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ABSTRACT

Law related education learning modules and lesson plans are presented in this curriculum guide, which is designed to meet three broad goals: (1) to encourage good citizenship and respect for the law by teaching students how to effectively function within the law and to demonstrate and value lawful conduct; (2) to promote a better understanding for the law and the legal system; and (3) to identify and explain those areas of the law that affect the lives of Navajo students living in the "checkerboard" area of the Navajo Reservation. The 32 detailed lesson plans are organized into six chapters dealing with introduction to law, consumer law, individual rights, family law, student and school law, and criminal law. Each lesson begins with objectives for the learner, an opening question that introduces the topic of the lesson, background information for the teacher, suggested methods and materials, and a list of activities for extending the lesson. Topics of individual lessons include categories of law, collection agencies and debtor rights, Indian voting rights, marriage on the Navajo Reservation, school due process, and tribal jurisdiction over non-Indians. An annotated list of 21 recommended films and a bibliography of instructional materials are appended. (JHZ)

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CROWNPOINT INSTITUTE OF TECHNOLOGY

LAW RELATED EDUCATION CURRICULUM

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by John J. Carey, M.Ed., J.D.

Prepared with funding from the U.S. Dept. of Education.

1 September 1987

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FINAL REPORT: Crownpoint Institute of Technology
Law Related Education Project, prepared
under Grant Number G008610580

Submitted by: John J. Carey, Project Director
505-862-7871, 505-862-7779, 505-786-5851

Submitted to: Educational, Research, and Improvement Branch
Grants and Contracts Services
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Washington, DC 20202

The CIT-LRE Program under Department of Education funding was for the period 10-01-86 through 09-30-87 in the amount of $49,305.00. Three copies of the financial report are enclosed.

The purpose of the project was to develop curricula, support the implementation, and institutionalize a program which would foster a respect for law and knowledge of the rights and duties of American citizenship. More specifically, the project was to develop, test, demonstrate, and disseminate new approaches, materials, and techniques in law related education in the Eastern Navajo Agency thereby increasing the knowledge of and respect for the law and the rights and responsibilities of individuals under the law.

The CIT-LRE Program realized and accomplished all of its objectives. On page 6 of the grant application, a copy of which is attached, the first benefit of the program was to:

-Develop and test curricula and curriculum segments for basic law related education education for mid and high school students and for adults.

The final draft of the developed curriculum reflects the realization that there is already available multiple curricula in basic law related education. The CIT-LRE curriculum development addresses local law related education issues which concern the Navajo needs in this area in addition to basic law related education.

The second benefit of the program was to:

-Increase knowledge and respect for the law with 600 students, 30 teachers, and 150 adults.

Classes, workshops, and demonstrations were held at The Crownpoint Institute of Technology with 180 students, at Thoreau High School with 80 students, at Navajo Community College extension branch in Crownpoint with a variety of teachers, and community adults numbering 35, and through the CIT Adult Education Program with 35 students.

The third benefit of the program was to:

-Institutionalize law related education through inclusion of the developed curricula in social science and civics courses in area schools.

CIT now includes as part of its regular curricula, law related education for students in the work related area.
Thoreau High School during the project year offerred a class for secondary students entitled "Law and Justice", and a separate class for two years entitled "Mock Trial."

The fourth benefit of the program was to:

-Institutionalize law related education for the community through the CIT law related education library.

The Project Director continues to have and make available the developed curriculum, various audio-visual materials, and various classroom sets of instructional materials to area schools. At this time, the Project Director works on a volunteer basis in managing the CIT law related education library and in doing demonstrations and teachings in the local area.

For the period from September 1, 1986 through December 20, 1987, the Project Director devoted approximately 1600 hours to the CIT-LRE Program. Approximately 50% of that time was devoted to reading, research, writing, revision, and preparation of the final draft of the developed curricula. Approximately 40% of that time was devoted to classroom teaching with students, teachers, and community adults. The remaining time was devoted to administrative chores, coordination, travel, and budgeting.

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CROWNPOINT INSTITUTE OF TECHNOLOGY

LAW RELATED EDUCATION

PROGRAM GOALS

The New Mexico State Board of Education has directed that every school system pursue the goals listed below. Programs should be developed which will ensure that students:

1. Exhibit competencies which lead to full participation in our economic system.
2. Apply the problem solving skills of observing, listening, speaking, writing, investigating, analyzing, and evaluating to everyday situations which they encounter.
3. Undertake the responsibilities of good citizenship and display the attitudes of loyalty and respect for the ideals of a democratic society.
4. Function effectively in a rapidly changing technological world.
5. Show tolerance and acceptance of persons belonging to all social, cultural, and ethnic groups.
6. Maintain a positive self-image.
7. Practice good health habits and develop an awareness of environmental conditions for the maintenance of mental, physical, and emotional well-being.
8. Develop an awareness of the need for conservation of human and natural resources.
9. Display a positive attitude toward the learning process and

realize that education is a lifelong activity.

10. Make constructive use of leisure time to broaden interests and develop creative talents.

11. Value the family as the basic unit of society through which cultural heritage and moral standards are transmitted.

The law related education learning modules and lesson plans which follow are designed to assist the classroom teacher to comply with the goals listed above. As a social studies unit, the modules and plans are designed to develop and apply critical thinking, decision-making, research, and communication skills. (Graduation requirement: A.4.3.1 a.(4) Social Studies (g), New Mexico State Board of Education.

More specifically, the goals of instruction in the law related modules and lesson plans are:

1. To encourage good citizenship and respect for the law by teaching students how to effectively function within the law and to demonstrate and value lawful conduct.
2. To promote a better understanding for the law and the legal system.
3. To identify and explain those areas of the law and how they affect the lives of a Navajo student living in the "checkerboard" area of the Navajo Reservation.

TEACHING STRATEGIES

The individual classroom teacher is the best judge of what teaching techniques and strategies work most effectively with particular students in different classes. Since students are usually quite curious about the law, student disinterest in the lessons is not often evident. If the most successful fisherman is using the best bait, then the most successful classroom teacher has opened the class with the most interesting bit of legal information which the class will want to learn more about.

Each of the modules and lesson plans will include an open ended question which will frame the objective to stimulate interest and discussion among the class.

A synopsis of five teaching strategies follows, and it is suggested that although one or another might be most efficient from the teacher's perspective, variety in strategy usually results in the broadest learning among students with diverse learning styles.

1. LECTURE, HANDOUT, DISCUSSION: This is a traditional teaching technique. Its advantages are that the teacher and the students are familiar with it, and it works, particularly when the lecture partion is dynamic, the handout is succinct, the discussion is lively, includes all students, and stays focused on the objective of that class. For the teacher to succeed in

this strategy, there must be thorough preparation, and a classroom environment conducive to student expression.

2. AUDIOVISUAL PRESENTATIONS: In the annotated bibliography of materials, a description of each of the CIT-LRE audiovisual materials is included. These materials, with few exceptions, are excellent, and can be used successfully with students. It is important that the materials not be used "cold." Teachers and students should be warmed up to the material for it to be most effective. The teacher must preview the material, read the accompanying information, and decide for what specific purpose the material is to be used. Students should be given a preview, or introduction to the film, with specific information or ideas to watch for as the presentation proceeds.
Some films are susceptible to stopping for commentary and discussion. Others are better if shown nonstop to the end. A thoughtful preview will guide the teacher to this decision. Audiovisual presentations should always be reviewed and discussed, and the major points highlighted. Some of the filmstrips are useful for single period study, others require more than one class period for maximum effect. The bibliography attempts to give suggestions in this area.

3. CASE STUDY; The case study method depends on student curiosity and student inquiry. A case or conflict is explored to arrive at some rule of law to govern it and similar factual

situations. Case studies can be based on reported cases, hypothetical cases, or adapted from cases reported in magazines or the local newspaper.

The case study method is grounded in the facts of the case. Facts must be agreed to, and cannot be questioned. Facts are the given. Of course, different facts will be given more or less weight, depending on the position being advocated.

Organization of the case under study is framed by the statement of the issue. The legal issue posed by the facts should be framed as a question.

The issue is then considered by the creation and presentation of the pro and con arguments. Students enjoy arguing a point of view. Most students have a point of view after sufficient exposure to the facts of the case and some discussion of the legal issue. Challenge students to devise and argue a position contrary to the one they think is correct.

Case study techniques should work toward developing the rule of law that in fact is the objective for the class.

4. VALUES CLARIFICATION: Questioning, arguing, debating, and evaluating student attitudes, beliefs, and opinions generates an enthusiastic interest in the law. The class can open with a provocative statement from the teacher to which students will respond. Students can be pressed to clarify and amplify spoken opinion. Students should be encouraged to probe and question their own and another's belief. Above all, a high level of

tolerance should be maintained. This promotes open discussion, critical thinking, and empathy for the other point of view. The teacher must keep these lessons focused, and maintain enough decorum so that the speaker has the floor until finished and the listeners in fact do listen.

Since the law reflects a consensus of ideas in society at any given time, classroom discussion should uncover the underlying reasons for the law as it is and how it developed.

Values clarification can be very stimulating to the intellectual process in the students and the teacher.

5. ROLE PLAYING AND MOCK TRIAL: Each of these techniques involves taking a part and playing a part. Role playing and mock trial can evolve from a case study when a case has been mastered and students want to do more with it. If students are confident with material, many will be eager to perform with it. Specific role playing, involving, for example, the direct examination of a witness, will develop easily to the preparation of a full scale mock trial.

CIT-LRE mock trial materials are excellent in getting started in this teaching methodology. Role playing and mock trial promote an in-depth analysis of a legal issue which can be at the expense of broader based learning. Consideration must be given to the time available and the purpose of the program. This will involve students and develop a variety of learning skills.

The CIT-LRE Resource Library has excellent reference materials with specific information on how to implement law related education in the classroom. The Project Director is available to perform classroom demonstrations for the teacher with his/her classes using various techniques.

The classroom teacher is invited to look to CIT-LRE for:

1. Learning modules and lesson plans in LRE.
2. Audiovisual materials on a borrow basis.
3. A reference library with legal and educational materials.
4. Consultation and demonstration with the Project Director.

Title: The Importance of Law For People in Society

Objectives:

1. The school teacher will be able to teach a lesson which will convince students of the need for law in society.
2. The student will be able to define law, explain the function of law, and identify forces which change the law.

Opening Question: WHY IS LAW NECESSARY AND COULDN'T WE LIVE WITHOUT IT?

Discussion: Laws are rules of conduct which regulate and control human behavior and which are made and enforced by a government. Laws are passed for specific reasons to achieve objectives which a community, state, country, or reservation has decided are desirable for the well being of the society.

Two of the most important goals for any society are freedom and order. Freedom permits people to act without government control. Order requires people to act within certain limits set by the law.

The law making process and the administration of justice in any society seek to balance the interests of people to do as they please with the interests of the same people to not be displeased but the conduct of others.

One person living alone does not need rules for the regulation of conduct. Two or more people living in society must have

rules of law to regulate conduct and enforce penalities.
History has repeatedly shown that any absence of the rule of law results in disorder and chaos.
The history of law is the story of how mankind has sought to regulate and control the conduct of the people to secure the harmony and achieve the blend between the idea of freedom sought by all with the the need for order necessary for all.

Methods: 1. Classroom lecture, discussion, role playing.
Materials 1. CIT-LRE materials.

Observations: The teacher is encouraged to avoid any philosophical view of the law and the legal process at the outset of law related education with students. Be practical. Be aware that students know very well how important the law is and how they are controlled by it. Suggest that the idea of law is contained in the rules that families set for children and in the regulations that schools set for students. Ask students to imagine a family or a school with no rules. Could a family or a school achieve its goals with children without some form of regulation?
Ask students to imagine driving to school in the morning traffic with buses, and parents, and teachers, and students all going to the same place without any motor vehicle laws whatsoever to regulate the cars, trucks, and buses.
Ask students to imagine going shopping for groceries in a town

that did not forbid theft.

Suggest to students that there was once a time when "DWI" was not a crime, and that as society changed and automobiles were invented, the law had to develop to reflect the new reality.

If this is the first lesson for students in law related education, stress the needs for:

1. Freedom
2. Order
3. Freedom from excessive order.

Activities:

1. Have students begin a typical day and list all of the laws that affect them as the day proceeds.
2. Think of problems at home, in school, or in the community which a new law might help with or an existing law which is not being used should be.
3. Examine a local newspaper and find reports and discussions of laws, rules, and regulations.
4. Invite a police officer to talk about whether people can live peacefully with one another without laws, and policemen, and courts.

Title: The Source of Law and The Organization of the Legal System in the United States

Objectives:

1. The school teacher will be able to teach a lesson on the source of law and the organization of the legal system in the United States.
2. The student will be able to identify where law comes from and explain how courts fit into the doctrine of separation of powers.

Opening Question: WHERE DOES LAW COME FROM AND HOW ARE COURTS ORGANIZED?

Discussion: The Native American student living on or near a reservation is subject to three sets of laws. These are Federal laws, State laws, and Tribal laws. All law has as its origin the needs of people to regulate individual human conduct for the good of society.

Early societies put the unwritten rules of conduct into a written code which became know as Civil Codes.

English speaking societies relied on the decisions of judges in individual cases for the development of law which became known as the Common Law System.

The American colonists added a new feature to the legal system by adopting a constitution which established a form of

government, listed the powers of the government, and stated the limits of the use of the powers. The Bill of Rights set out those individual rights and freedoms of the people which the government could not restrict or disturb.

Tribal law is the expression of the needs of Indians to retain the traditional ways of solving disputes with the desire to use some of the law and structure of the common law system.

Separation of powers means that the branches of government work together to achieve a free and orderly society for its people. The legislative branch makes the law, the executive branch enforces the law, and the judicial branch interprets the laws. In Indian Country, the Federal courts, the State Courts, and the Tribal Courts are busy interpreting the law. Trial courts hear the case initially and take the testimony of the witnesses. Appeal courts decide whether the trial court used or interpreted the law correctly in light of the facts.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: The teacher is encouraged to stress that the roots of law lie in the history of the needs of people to live together in society. Our laws today reflect the consensus of judgment of what we need to preserve our freedoms and maintain our order. A sensitive issue on the Navajo Reservation today is whether the Tribe should adopt a constitution to separate the

powers and establish three branches of government. An on-going classroom project can be the day-to-day collection of news in the local media on the effort to develop an awareness among the Navajo people of the alleged need for a constitution.
Students will be interested in the three jurisdictions which seek to govern and regulate behavior. The question students might ask or that the teacher might pose is where does one jurisdiction leave off and another begin?

Activities:

1. Imagine that your plane has crashed and you and your classmates are stranded on a deserted island. What rules, regulations, and laws should the group pass to govern conduct? Make a chart showing how rules are made, what rules are adopted, and how and by whom they are enforced.
2. Invite a tribal or state judge to discuss with students where that judge finds the law to use in a particular case.

Title: Legal Relations: Between Individuals, and the Individual and the Government

Objectives:

1. The school teacher will be able to teach a lesson which will explain the dynamics of the legal relationship between individuals and the individual and the Government.
2. The student will be able to explain the idea of government as being of limited powers, and apply the notions of legal right and legal duty to factual situations.

Opening Question: DO LAWS REGULATE THE BEHAVIOR OF PEOPLE, OR GOVERNMENTS, OR BOTH?

Discussion: Government in the United States has only those powers which the Constitution gives it. Should the government act beyond its powers in an effort to regulate conduct, then that action will be held to be unconstitutional by the United States Supreme Court. The United States government is a government of limited powers and is in itself regulated by the Constitution and the Bill of Rights.

It is often said that we are a government of laws and not of men. This means that we, the people, consent to be governed and agree to enact laws to conduct human affairs.

The United States Constitution divides the powers of government between the central government and the regional governments, the

states. This form of government is called federalism and refers to the distribution of power between the national and state governments.

Legal relations between two people usually refers to the right of one person and the duty of another to act in such a way as not to violate that right.

The legal relation between the government and the citizen is also based on the concept of right and duty.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: This may or may not be a difficult lesson to teach. At the outset, the teacher must stress that contrary to what some students may think, the government, the executive and the legislative branches cannot do anything and everything by passing another law and prosecuting the violations. Ours is a limited government which must itself abide by the law.

Governmental powers are allocated between the national government and the state governments, and, in Indian country, tribal government shares in the governmental function.

National, state, and tribal governments are restricted in function and limited in power.

With respect to legal relations between a person and the government, each has corresponding rights and duties which the law will enforce.

With respect to the legal relations between individuals, each has corresponding rights and duties which the law will enforce. The law regulates and controls the conduct of the government and the individual. Neither the government nor the individual is ever above or beyond the law.

Governments and individuals are always under and subject to the law.

Activities:

1. Ask students what additional powers they would give government to:
   a. Collect more tax revenue,
   b. Catch more drug dealers,
   c. Regulate television viewing habits.
2. Ask students what laws should be repealed to allow more personal freedoms.
3. Have students list ten legal rights and the ten corresponding legal duties.

Title: Classification and Categories of Law

Objectives:

1. The school teacher will be able to teach a lesson which will list the classifications and categories of law.
2. The student will be able to describe the differences between criminal law and civil law, and between public law and private law. The student will also be able to classify law under the proper category depending on the factual situation.

Opening Question: HOW CAN I KEEP TRACK OF ALL THE LAWS WHICH REGULATE CONDUCT?

Discussion: There exists a large and complex body of law which has been classified into civil law and criminal law.

Civil law governs relationships between individuals and is concerned with requiring a person who injures another person either physically or economically, or who damages another person's property, to pay the person for the loss.

Criminal law governs relationships between individuals but which deals with behavior which is harmful to society and which is therefore punished.

Public laws are those which deal with the legal relation of the citizen to the government or with the relation of the citizen with society.

Private laws, although made and enforced by the judicial branch

of the government, deal with relations between private citizens.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: Most students immediately and automatically think of criminal law as the only law which pertains to regulating human conduct. Television is responsible for this misconception with the heavy emphasis on crime shows. Civil law is the law of contracts, of property, of torts (negligence), of wills, of family law, and of commercial law. Students will enjoy trying to fit a hypothetical situation into one of the above classifications and categories. It will also help structure law related education for them as being an organized body of knowledge.

Activities:

1. Examine newspapers and magazines and find an article dealing with:
   a. Family law
   b. Criminal law
   c. Property law
   d. Contract law
   e. Private law
   f. Consumer law
2. Have students begin a typical day listing all of the laws that affect them and classify them.

Title: A Civil Dispute Between A Landlord and a Tenant

Objectives:

1. The school teacher will be able to teach a lesson which will explain the law of landlord and tenant and illustrate the application of the law in an eviction proceeding in court.
2. The student will know the law in the landlord and tenant area and will be able to explain how the court handles an eviction case.

Opening Question: CAN MY LANDLORD CHANGE THE LOCKS ON MY APARTMENT, AND SELL MY FURNITURE TO COLLECT WHAT I OWE IN BACK RENT?

Discussion: A dispute between a landlord and a tenant is a good way to introduce the substantive law governing the legal relationship between landlords and tenants, and to illustrate how to take a civil matter of this nature to court for a judicial resolution.

Assume for the moment that Tenant has just returned to his apartment after another unsuccessful day looking for a job. Tenant notices that the door to his apartment has been padlocked and he cannot enter.

Tenant immediately goes to Landlord's office to inquire and is told by the Landlord that because Tenant is behind in his rent, that he has been evicted and that his furniture will be kept and

sold to satisfy the unpaid rent. Tenant admits that he owes two months rent, and asks for permission to enter the apartment. The permission is denied and Landlord tells Tenant to leave.

Has the Landlord complied with the law? Does the Tenant have any recourse?

In New Mexico, the legal relationship between a landlord and a tenant is governed by the Uniform Owner-Resident Relations Act. This law establishes the mutual rights and duties of the landlord and the tenant and provides procedures for the enforcement of the mutual obligations.

The law requires that a landlord do the following:

1. Make repairs and do whatever is required to maintain the premises in a safe condition,
2. Maintain in good and safe working order all electrical, plumbing, sanitary, heating, and ventilating facilities and appliances,
3. Provide for the removal of garbage and rubbish,
4. Supply running water and a reasonable amount of hot water at all times, and
5. Supply heat.

The law provides that the tenant do the following:

1. Pay the rent in the amount agreed, and at the time and the place agreed to,

2. Keep the rented premises as clean and as safe as the condition of the premises permits,
3. Use in a reasonable manner all electrical, plumbing, sanitary, ventilating, and all other facilities on the premises,
4. Not deliberately or negligently destroy, deface, damage, or impair any part of the premises, and
5. Conduct himself or herself in a manner that will not disturb neighbor's peaceful enjoyment of the premises.

The rental agreement between the parties may be oral, but should be in writing for the protection of the parties. Nothing in a rental agreement can override the provision of the law which establishes the legal relationship.
Most rental agreements are for a month-to-month tenancy, and the landlord can raise the rent or make the tenant move out by giving a thirty day notice. Likewise, the tenant is required to give a thirty day notice of his intention to move out.
The law stipulates that a landlord may not require more than one month's rent as a security deposit on any kind of an oral or written lease which is for less than one year. The law absolutely forbids the imposition of a non-refundable security deposit. Security deposits are used to cover damage to an apartment. A landlord cannot keep the security deposit to cover ordinary wear and tear.

Eviction for non-payment of rent is regulated by the Uniform

Owner-Resident Relations Act, which the landlord must follow. In the hypothetical case presented, the Landlord has not followed the law and the Tenant has recourse under the law against the Landlord.

If a tenant fails to pay rent, the landlord must give a written notice to the tenant telling him that the tenancy will end in three days if the back rent is not paid. Only after the expiration of the three days, can the landlord go to court and file an action for damages and for eviction. The tenant will then receive a copy of the complaint and a summons to appear in court. If the landlord wins at the court hearing, the tenant will be ordered to pay the back rent and surrender the premises to the landlord. Only the court can order that the tenant leave the premises. Eviction can be had only after a judicial hearing.

If the tenant is unable to pay the judgment of the court for back rent, the landlord may apply to the court for an order to seize the tenant's property and sell it under legal processes to pay the judgment. Possession and sale of the tenant's personal property can be had only after a hearing and a court order.

Therefore, in the hypothetical case, the tenant has recourse against the landlord for illegally locking him out of the apartment and illegally taking possession of his personal property. The Uniform Owner-Resident Relations Act does not provide either remedy to a Landlord until and unless the court

has heard the case and ordered eviction and seizure.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, handout.

Observations: Many students will at some point in the near future be renting an apartment. The teacher is encouraged to stress how very practical it is that students know and be able to apply the law of landlord and tenant because many will be tenants and some will be involved in disputes with landlords. The legal relationship between landlords and tenants is strictly regulated by the law to remove the obvious disparity between the usual levels of economic and legal sophistication between the two parties.

Activities:

1. Work up a mock trial on the hypothetical case in this module.
2. Use the court forms for summons, complaint, judgment, eviction, and execution in the mock trial.
3. Go through a standard lease and rewrite the provisions in plain language which will reflect the Uniform Owner-Resident Relations Act.
4. Invite a magistrate or tribal judge to discuss the disposition of landlord tenant cases.

Title: Smart Shopping For a New or Used Car

Objectives:

1. The school teacher will be able to teach a lesson on the practical and legal aspects of negotiating a contract to purchase a new or used car.
2. The student will know and be able to apply the practical and legal information which a prospective car purchaser should be aware of.

Opening Question: HOW CAN AN AMATEUR CAR BUYER MAKE A GOOD DEAL WITH A PROFESSIONAL AUTO DEALER?

Discussion: Buying a car or truck, whether new or used, is a financial step most students have not made, but probably will shortly after finishing high school. For many people, it is the second biggest expense they will make in their lifetime.
New cars and trucks are sold with warranties set by the manufacturer and as a general rule are not part of the negotiations.
Used cars and trucks are usually sold with a limited warranty for a specific period of time and covering certain parts of the vehicle with some exceptions.
Used cars and trucks are also sold "as is" which means that the purchaser must beware because there is no warranty, express or implied.

New Mexico has adopted what is called the "lemon law" which protects the purchaser of a new car. If the new vehicle requires repeated or lengthy repairs as defined in the law, then the purchaser can demand a replacement vehicle or a refund of the purchase price less a reasonable amount for the customer's use of the vehicle.

Students should know that the sticker price is nearly always negotiable, unless the vehicle is so special or in such high demand that the dealer can sell it at the sticker price.

Students should know that the price of a used car can be compared with the the "Blue Book" price which is issued monthly and contains wholesale and retail prices for specific cars and trucks including options. Banks, insurance agents, and public libraries have copies of the Blue Book and should be checked before signing a contract to buy a car.

Students should know that it is usually a good investment to hire a mechanic to check out a used car before buying. An independent mechanic can tell if the car will need major engine work or appears to have been abused or neglected.

Students should know extra time shopping around gives them a basis upon which to compare deals on different cars. Many times a car dealer will call the consumer with a better price on the vehicle if the customer has left the car lot to think it over.

Students should know that the sales contract is a legal document which will bind the customer to making payments each month for an exact period of time and that the car dealer can take back or

repossess the vehicle if the customer misses a payment. Students should know that the insurance which must be carried on the vehicle is usually less expensive if purchased from an insurance agent rather than through the car dealer.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials

Observations: Students have a keen interest to learn about and talk about the subject of buying cars. From family experience, students can usually bring to the class discussion some practical and interesting questions and problems in this area of the law. CIT-LRE has filmstrips, clippings, and hypothetical problems which the teacher can use.

Activities:

1. Role play conversation between a car seller and a car buyer.
2. Invite a car dealer to talk to the class about shopping for a car.
3. Invite a speaker from the local legal services office to talk about deceptive practices in car dealing.
4. Examine used car prices in the local newspaper and compare with prices from other locations

and with the "Blue Book" price.

Title: Repossession of a Motor Vehicle by a Bank, Finance Company, or Car Dealer

Objectives:

1. The school teacher will be able to teach a lesson on the law applicable to repossession.
2. The student will be able to explain the law of repossession and apply it to different factual situations.

Opening Question: **WHEN, WHERE, AND HOW CAN MY CAR BE REPOSSESSED?**

Discussion: The sales contract will always include a provision that the holder of the contract has the right to take back or repossess the vehicle which is security for the loan if the consumer breaches the contract by failing to make a timely payment. As a general rule, if the consumer will be making a late payment or is having trouble keeping up with the payments, it is usually helpful to notify the seller, bank, or finance company to make arrangements.

If the vehicle is going to be repossessed, the repossessor must go to Tribal Court for a court order if the repossession is on the reservation.

The repossessor cannot breach the peace to make the repossession. This means that the person or persons actually taking possession cannot hurt or threaten the customer, nor can

they do any damage to your property to effect the repossession. If the customer leaves his car at the shopping center in Albuquerque, the seller or his representative has every right to haul it away and hold it for sale if the buyer is behind in the payments.

Methods: 1. Classroom lecture, discussion, role playing

Materials: 1. CIT-LRE materials

Observations: Unfortunately, many students may have experienced first hand the reality of repossession. Repossession is a legal right given the seller by contract, but it must be exercised legally and reasonably. In Indian Country, this means that permission of Tribal Court is required and the repossession must be done peacefully.

Activities:
1. Role play a telephone conversation between a buyer and a bank/dealer with the buyer trying to get additional time on a car payment.
2. Role play a repossession on the reservation happening at the buyer's house.
3. Invite a car dealer or bank loan officer to discuss repossession with the class.

Title: Fair Credit Reporting Act and the Consumer

Objectives:

1. The school teacher will be able to teach a lesson on how to establish credit, maintain credit, and solve crdit problems.
2. The student will be able to discuss how to build a good credit rating, how to check on a credit rating, and how to use a credit clinic.

Opening Question: WHAT CAN I DO IF I AM DENIED CREDIT AND HOW CAN I ESTABLISH GOOD CREDIT?

Discussion: A credit rating is a report issued by a business which collects information about consumers and provides that information to businesses. You may be denied credit for a consumer purchase on the basis of that information in your consumer credit report.

The report includes basic personal information such as name, address, Social Security number, and birth date. Your employment information is also included including your present and past positions and income. Most importantly, it includes your credit history which banks, department stores and credit card companies report as to how promptly you repay your debts. Also included is any record of any lawsuits or bankruptcy in your past.

The credit reporting bureau makes money be collecting data about

consumers and selling the information to business. When you apply for credit, your credit history will be checked and the business will decide to make a credit or cash sale on the bais of the information in your credit file.

This area of consumer law is governed by the Fair Credit Reporting Act and the law forbids a credit reporting business from giving out the information for any purpose other than for granting credit or employment. The consumer also has the right to inspect his credit report and to know the merchants who have also had access to it.

You may be denied credit because the merchant does not think that you have capacity, that is income or savings, to repay the debt. You may be denied credit because you lack character, that is, whether you have borrowed too much in the past and had difficulty in repaying. You may be denied credit because you lack collateral, that is, if you lost your job, there is nothing else in savings, investments, or property for the merchant to use to collect.

Good credit is therefore established by having capacity, character, and collateral and making sure that the credit reporting business has accurate records on you.

If you are turned down for credit, the law requires that you be told in writing why. Typical reasons include insufficient income, an unverifiable or short employment history, a history of late credit payments, a lack of credit references, or excessive debt.

The Equal Credit Opportunity Act bars a business from denying credit on the basis of race, color, religion, national origin, sex, marital status, or age.

Methods: 1. Classroom lecture, discussion, role playing.
Materials 1. CIT-LRE materials

Observations: Credit can certainly be beneficial or harmful depending on how the consumer uses it. The teacher is encouraged to compare and contrast mainstream credit sources with the traditional credit obtained at the pawn shop. Students should be encouraged to establish savings accounts with small amounts as the very first step in establishing credit. This lesson can also include information on how to use a credit clinic to help improve a credit rating and help with a payment plan to get out from under excessive consumer debt.

Activities: 1. As a classroom activity, have students represent different business, have another group be a credit reporting bureau, and have other students be consumers. Role play the kinds of problems among the three with respect to requesting credit, providing credit history, and granting or denying credit for the variety of reasons mentioned above.

Title: Collection Agencies and Debtor Rights

Objectives:

1. The school teacher will be able to teach a lesson on the law governing collection agencies and debt collectors.
2. The student will be able to list what the collection agency can do and cannot do in its effort to collect payment from a debtor.

Opening Question: CAN A COLLECTION AGENCY GET YOU FIRED FROM YOUR JOB IF YOU DO NOT PAY YOUR DEBT?

Discussion: A collection agency is a business that attempts to collect money owed to other businesses. It makes money by keeping a percent of the money it recovers. A creditor is the person or business to whom the money is owed. A debtor is a person who owes money.

The law governs what a collection agency can legally do to encourage a debtor to make payment.

A creditor/collection agency cannot threaten to harm the debtor, his family, or his property. The fact that the debtor owes money cannot be advertised so as to embarass the debtor.

A collection agency cannot harass the debtor in any way, nor tell the debtor that he/she will lose a job if payment is not made. The agency can call you at work about the debt, but cannot repeatedly bother the debtor at work nor can the agency

call in the middle of the night.

A debtor who is being harassed should make a record of the time and date and frequency of the contacts and go to a legal service representative, a lawyer, or call the Attorney General's office.

Methods: 1. Classroom lecture, discussion, role playing

Materials: 1. CIT-LRE materials.

Observations: Students should be aware that the creditor can and should take the legal steps afforded him under the law to collect a legal debt. No business can afford to stay in business if the customers do not pay their bills. On the other hand, certain collection practices are illegal. The consumer should stay in communication with the creditor if payment is not being made, and any wrongful harassment by the creditor should be recorded and reported.

Activities:

1. Role play some illegal collection practices between creditor and debtor.
2. Role play appropriate collection practices between creditor and debtor.
3. Write the New Mexico State Attorney General in Santa Fe, c/o Consumer Protection Division and ask for materials, information, and cases involving collection agencies.

Title: Federal Trade Commission Law: Door-to-Door Sales

Objectives:

1. The school teacher will be able to teach a lesson on the law which governs sales transactions made by door-to-door salesmen.
2. The student will be able to identify a door-to-door sales transaction and be able to apply the law allowing the consumer to cancel the sale.

Opening Question: CAN A CONSUMER CANCEL AN OTHERWISE VALID CONTRACT MADE WITH A DOOR-TO-DOOR SALESMAN?

Discussion: The practice known as home solicitation sales or door-to-door selling sometimes puts a great deal of pressure on the buyers. Buyers who have little education or who, because of age or sickness, do not have the ability to resist the high pressure tactics of door-to-door salesmen can be frightened into buying products they do not need or cannot afford. The question becomes whether a contract can or should be enforced. The Federal Trade Commission has made a rule which gives buyers of products sold by door-to-door salesmen three days of a "cooling off" period. During these three days, the buyer may cancel the contract without any charge to them.
In addition, the Federal Trade Commission reguires that the seller give notice to the buyer of the buyer's right to cancel the transaction at any time prior to midnight on the third

business day after the day of the sale. This notice must be in writing and given to the buyer at the time of the sale.
In New Mexico, this cooling off period is also available to consumers who have made a consumer transaction because of a telephone initiated sale.

Methods: 1. Classroom lecture, discussion, role playing.
Materials: 1. CIT-LRE materials.

Observations: To sophisticated consumers, door-to-door sales people can be dealt with summarily. If you want or need a new vacuum cleaner, you might permit entry for the demonstration. If you have no interest, you so state.
It is the person who can be intimidated by high pressure sales tactics who is generally the victim of a deal which he would otherwise have not entered into. The law is designed to balance the interests of the salesman and the consumer.

Activities:
1. Make a list of products which are sold in door-to-door manner, and decide what kinds of people are susceptible to these products.
2. Role play a typical high pressure salesman and a typical victim.
3. Write the New Mexico Attorney General for additional information on state regulation of door-to-door sales.

Title: Regulation of Pawnbrokers and Pawn Transactions

Objectives:

1. The school teacher will be able to teach a lesson on the rules, regulations, and law governing pawnbrokers and pawn transactions.
2. The student will be able to discuss the rules and regulations regarding pawn transactions and compare a typical pawn transaction with the services offered by a bank.

Opening Question: WHAT SHOULD I LOOK FOR IN A PAWNBROKER?

Discussion: A pawnbroker is a person engaged in the business of making a pawn transaction. A pawn transaction occurs when a pawnbroker extends credit or lends money on the security of pledged goods on the express agreement that the goods may be redeemed or repurchased by the seller at a stipulated price.
A pawnbroker in the Eastern Navajo Agency is regulated by the New Mexico state law and the McKinley County ordinance for the protection of the people who rely upon the pawnbroker's services.
Local people use pawnbrokers as a safe and secure place to store valuables, as a place to make a quick cash loan on a pledge, as a place to make a quick cash loan on a promissory note, and as a place to get cash or credit against an anticipated IRS refund. For many peple, the pawnbroker is their banker with whom they

have established a history of cash and credit transactions. The pawn ticket constitutes the contract between the parties. Under the law, every pawn ticket must contain:

1. The date of the pawn transaction.
2. A description of the item being pawned.
3. How much the item is worth.
4. The amount of the loan.
5. The annual percentage rate of interest.
6. When the interests and payments are due.
7. Name, address, and census or driver license number
8. The signature of the coustomer.

The holder or bearer of the pawn ticket is the person with whom the pawnbroker can do business, so pawn tickets should be treated and handled carefully. A lost pawn ticket may mean lost collateral.

By law, a pawnbroker may charge $7.50 or ten percent of the amount loaned, whichever is greater, for the first thirty day period of the pawn transaction. Thereafter, the pawn service charge may not exceed 4% per month on the unpaid principal balance of the loan.

By law, a pawnbroker shall not:

1. knowingly enter into a pawn transaction with a person under eighteen years of age, or under the influence of alcohol or drugs.
2. make any agreement requiring the personal liability of a pledgor in connection with the pawn transaction.

3. Accept any waiver of any right under the Pawnbrokers Act.

4. Fail to exercise reasonable care to protect pledged goods from loss or damage.

5. Fail to return a pledged good upon payment in full.

6. Make any charge for insurance.

7. Require that any of the proceeds of the cash loan be spent at the pawnbroker's place of business.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials and Pawnbroker Law.

Observations: Nearly all Navajo students will have varying knowledge of and experience with pawn transactions. Some will be surprised that their "pawnbroker" is not licensed and bonded under the laws of the state and the county. The teacher is encouraged to compare pawn practices and bank practices and list advantages and disadvantages of each for the Navajo family.

Activities: 1. Compare/contrast banks with pawnbrokers

2. Invite guest speakers...a nearby banker and a local pawnbroker.

3. Examine student pawn tickets as examples of what the law requires.

Title: The United States Constitution, The Bill Of Rights, and the Indian Civil Rights Act

Objectives:

1. The school teacher will be able to teach a lesson on the rights guaranteed Native Americans under the U.S. Constitution, and under the Indian Civil Rights Act (ICWA).
2. The student will be able to identify those rights guaranteed under the U.S. Constitution and the Indian Civil Rights Act and apply the rights to different factual situations.

Opening Question: DOES THE BILL OF RIGHTS PROTECT AN INDIAN IN TRIBAL COURT?

Discussion: In 1896, the United States Supreme Court held that the U.S. Constitution does not apply to the internal operations of tribal government. There is nothing in the Constitution which made the Constitution applicable to the tribes. And Congress had not passed any law which required tribes to obey the Constitution. Therefore, the tribes were free to govern themselves as its members saw fit.

There was the possibility of abuse because Indians who objected to the way they were treated by tribal officials had to look for help within the tribe. They could not look for help from the Federal courts because these courts had no authority to interfere in tribal matters.

In 1962, hearings were held concerning the administration of justice by tribal governments. Testimony was taken from those who requested that a law be passed which would guarantee civil rights to Indians in tribal courts.

The end result was the passage of the Indian Civil Rights Act which was to ensure that the American Indian would be afforded the broad Constitutional rights secured to other Americans to protect the Indian from arbitrary and unjust actions of tribal governments.

The ICRA confers and guarantees all of the Constitutional protections with the exception of five. The ICRA does not prohibit tribes from establishing a religion or from discrimination in voting on account of race. Also, a jury is not required in civil trials, grand jury indictments are not required, nor is an attorney required to be appointed for an indigent person in a criminal matter.

Every other civil right guaranteed to all persons with these exceptions is guaranteed to Native Americans with respect to tribal governmental and tribal judicial actions.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, text of ICWA.

Observations: There are those who argue that the ICWA is not necessary and that the U.S. Congress should not meddle in tribal affairs. On the other hand, there are those that argue that no

person should be before any court without the basic guarantees contained in the Bill of Rights. Many Indians feel that they should be free to administer justice in tribal court without Federal judges reviewing that conduct and resent the passage of the ICWA. The teacher is encouraged to explore this point of view with students to see if there is any consensus whether the ICWA advantage to individual Indians is more or less important than the intrusion into tribal government by the Federal courts when a dispute arises.

Activities:

1. Invite a tribal official to discuss the ICWA with students.
2. Role play a criminal proceeding in a court which does not recognize the ICWA. List the possible abuses.
3. Make a chart showing the rights guaranteed under the U.S. Constitution to all, and the rights guaranteed under the ICWA in tribal court. Discuss the reasons for the exceptions.

Title: Employment Preference For Indians

Objectives:

1. The school teacher will be able to teach a lesson on employment preference for Indians in businesses operated on or near Indian Reservations.
2. The student will explain and apply those sections of the law which forbids discrimination on the basis of race yet establishes employment preference of Indians.

Opening Question: CAN A TRIBE OR BUSINESS ON A RESERVATION GIVE PREFERENCE TO AN INDIAN FOR A JOB?

Discussion: The Civil Rights Act of 1964 forbids discrimination on the basis of race, religion, sex, color, or national origin. The intent of the law was to put all candidates for a job on equal footing and forbid a employer to discriminate for reasons other than qualifications for that job.
However, that law specifically excluded from its coverage any Indian Tribe or any business operating on or near a Reservation.

In 1974, the United States Supreme Court in the case of Morton v. Mancari, decided that the Indian preference exclusion was constitutional. In that case, a group of non-Indian employees of the Bureau of Indian Affairs sued alleging that Indian Preference Statutes was unfair as to them and deprived them of

property without due process of law.

The court held that the preferences were legal and that the purposes of the preferences were:

1. to give Indians a greater participation in their own self-government,
2. to further the Government's trust obligation to the tribes,
3. to reduce the negative effect of having non-Indians administer the matters that affect tribal life.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: This issue is always of interest to students and people who live in Indian Country and who feel that the Indian preference included in the help wanted ads in the newspaper is unfair and illegal. Although the issue is controversial, the law is clear. Discussion of this issue may arouse emotion in students who are either advantaged or disadvantaged by its impact on their families.

Activities: 1. Find an advertisement which includes an Indian Preference and role play applying for the job, and evaluating the candidates.

2. Invite a guest speaker from the BIA to discuss

employment practice in light of the preference.

3. Brief the U.S. Supreme Court case (417 US 535)

Title: Indian Right to Vote in New Mexico State Elections

Objectives:

1. The school teacher will be able to teach a lesson that will describe the period in New Mexico when Reservation Indians could not vote in New Mexico State elections, how the law was changed, and how that affects New Mexico State politics now.
2. The student will be able to recite the history of the Reservation Indian gaining the right to vote in New Mexico State elections, and compare the political participation by Indians before and after gaining the right to vote.

Opening Question: SHOULD NON-TAXPAYING INDIANS BE PERMITTED TO VOTE IN NEW MEXICO STATE ELECTIONS?

Discussion: The New Mexico State Constitution, adopted by New Mexicans in 1912, specifically excluded reservation Indians from voting in state elections. They could vote in federal elections since in 1924 the United States Congress had declared Indians citizens of the United States. But, Indians who lived on reservations and trust lands did not pay property taxes and could not vote.

A man by the name of Miguel Trujillo, who had served with the U.S. Marines in World War II, brought a law suit in Federal Court, charging that denying the vote to Indians was discrimination. He argued that Indians did in fact pay state

and federal income taxes, and that many non-Indians in New Mexico who did not pay property taxes were allowed to vote. The federal court agreed with Mr. Trujillo and Indians gained the right to vote in state elections as of August 3, 1948.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. All Indian Pueblo Council, printed materials
2. CIT-LRE materials and research

Observations: Although the law was settled years ago, there are those who will still argue that Indians should not vote in state elections. Some students will present that point of view which can certainly lead to strenuous discussion.

Activities: 1. Identify Indians who hold elective office.
2. Invite local elective office holder to class for questioning and discussion.

Title: Indian Right to Vote in School Bond Elections

Objectives:

1. The school teacher will be able to teach a lesson that Indians have the right to vote in school district bond elections.
2. The student will be able to explain the law which requires that Indians be permitted to vote in school district bond elections.

Opening Question: CAN A LOCAL SCHOOL BOARD DENY INDIANS THE RIGHT TO VOTE IN SCHOOL BOND ELECTIONS?

Discussion: A school board bond election was held and the plaintiffs went to court to void the election because illegal votes were cast. The illegal votes were cast by Indians who lived within the geographic boundaries of the county but who also lived on the Navajo Reservation. It was argued that since the land upon which the Indians lived was not subject to taxation, then the Indians should not have been allowed to vote.

In the case of Prince vs. Board of Education, decided by the New Mexico Supreme Court in 1975, the court held that the State of New Mexico could not exclude Indian voters from a district bond election and their inclusion was proper.
Furthermore, the parents of the children who will be attending

the schools have a distinct interest in the school district affairs and do have the right to vote.

Methods: 1. Classroom lecture, discussion, role playing.
Materials: 1. CIT-LRE materials, research and handouts.

Observations: That this issue was litigated again, some twenty five years after Indians were given the right to vote in state court elections, should be of interest to students. The case itself has an economic analysis of the property values and revenues available to the school district by its taxation of corporations which lease reservation property. The court concluded that the representation without taxation argument was not in fact true.

Activities:
1. Ask the county clerk and the county tax assessor to speak to the class on the source of property taxes in your county.
2. By a careful analysis of the case, decide whether the county or school board makes money or loses money on the presence of corporations leasing Reservation lands.
3. Decide whether an Indian should be able to hold a state elective office and live on the reservation. See Harrison vs. Laveen, 67 Ariz. 337, holding that residence on the reservation

does not disqualify and Indian from state elective office.

Title: American Indian Inmates and First Amendment Rights

Objectives:

1. The school teacher will be able to teach a lesson which will balance the needs of a prison for order and control with a Native American's right to freedom of expression.
2. The student will be able to explain the law as applied to the rights of a Native American inmate to wear long braided hair in a state penitentiary.

Opening Question: CAN THE STATE PRISON WARDEN REQUIRE A NATIVE AMERICAN INMATE TO CUT HIS BRAIDED HAIR?

Discussion: An American Indian by the name of Jerry Teterud was imprisoned in the Iowa State Penitentiary. Mr. Teterud challenged a prison regulation which prohibited him from wearing long braided hair.

Mr. Teterud claimed that the prison regulation deprived him of his First and Fourteenth Amendment rights to:

1. freely exercise his religion,
2. freedom of expression,
3. govern his personal appearance,
4. equal protection of the laws.

The court added in passing that the court would be as vigilant in protecting a prisoner's constitutional rights as it would be in protecting the constitutional rights of a person not

confined.

The court found that the evidence established that the wearing of long braided hair was deeply rooted in the individual's religious belief and that it was not the province of the prison officials to determine the religious orthodoxy.

Furthermore, the court held that the prison administrator's interests could be served by less restrictive means and that they could not require Mr. Teterud to cut his hair.

This court ruled that for an American Indian to wear long braided hair is a constitutionally protected free exercise of religion which could not be infringed by prison officials.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, handout.

Observations: This seems to be somewhat of an open question. The court in Mr. Teterud's case found him free to wear his hair long as an expression of his religious freedom. However, in another case involving Native American school children, the court refused to allow the children to wear long hair to school and said it was not constitutionally protected.

CIT-LRE handouts Teterud v. Burns (522 F.2d 357), and New Rider v. Board of Education (480 F.2d 693) make for an interesting comparison in how the courts have treated the issue of long hair and the American Indian.

Activities:

1. Using the two cases cited, work up a complete mock trial which would litigate the long hair issue in a public school setting. Note the testimony of the anthropologists in the Teterud case.
2. Write school regulations which reflect the holding of the Teterud case.
3. Write school regulations which reflect the holding of the New Rider case.
4. Survey students for the reasons students wear long hair.

Title: Use of Peyote and Religious Freedom

Objectives:

1. The school teacher will be able to teach a lesson which will weigh the interest of freedom of religion against the interest of the state in regulating controlled substances.
2. The student will be able to compare and contrast the relative interests of freedom of religion versus the state interest in regulating drugs.

Opening Question: CAN AN INDIAN LEGALLY POSSESS AND USE PEYOTE IN A RELIGIOUS CEREMONY?

Discussion: The case which established the right of Indians to use peyote in religious ceremonies was decided by the Supreme Court of California in 1964.

The police had arrested several people and charged them unauthorized possession of peyote. The defendants were arrested in an Indian hogan near Needles, California.

The defendants pleaded not guilty and argued that their use of the peyote was incident to their observance of their faith and that the state could invoke the law against them without denying them their freedom to practice their religion.

The First Amendment reads..."Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof". The court then went on to recognize that the

Native American Church uses peyote as a central role in its practices and ceremonies. The interest of the state in regulating the use of peyote was deemed to be secondary in importance to the religious use of the drug by the believers and the ancient traditions of peyote use and worship were upheld.

Methods: 1. Classroom lecture, discussion, role playing.
Materials: 1. CIT-LRE materials.

Observations: This issue is extremely interesting to secondary school students. The case itself offers a thorough examination of the history of the use of peyote and its effect on people. Teachers and students are encouraged to read the case in the original before taking positions. This is an ideal case to work up for a mock trial.

Activities:
1. Mock trial using the case for facts and law.
2. Invite a police officer to discuss law enforcement in the drug area.
3. Research peyote, its history and effects.
4. Brief the case at 61 Cal. 2d 716, available as a CIT-LRE handout.

Title: Marriage on the Navajo Reservation

Objectives:

1. The school teacher will be able to teach a lesson which will describe how a valid marriage is contracted on the Navajo Reservation.
2. The student will be able to identify the three kinds of marriage and describe the advantages and disadvantages of each.

Opening Question: HOW DO YOU MAKE A VALID, LEGAL MARRIAGE ON THE NAVAJO RESERVATION?

Discussion: The first type of marriage is known as a common law marriage. This occurs when a man and woman begin to live together and hold themselves and their children to the public as a family. There is no marriage license or written record of the marriage.

Another kind of marriage is called the tribal custom marriage. There is no marriage certificate, and the ceremonies are conducted between the families in the traditional way according to custom.

A third kind of marriage is an official civil marriage where a marriage license is obtained from the County Clerk or a tribal marriage certificate from a census office on the reservation.

Methods: 1. For a lively class with a group you know well, pair students, (voluntarily is best), and have each "couple" plan the steps in contracting a valid marriage.

2. Classroom lecture, discussion

Materials: 1. CIT-LRE materials

Observations: Students of secondary school age are usually quite interested in marriage. The teacher might stress how easy it is to contract a valid marriage at a relatively early age. The teacher might also preview the difficulties that accrue to the man, the woman, and children of the marriage if the marriage fails. Divorce, property separation, and child custody will be left to other lessons.

Activities: 1. Identify factors which make for a "good" marriage.

2. Set up a budget for newly married couple.

3. Compare one or more television marriages with real life marriages.

Title: Divorce on the Navajo Reservation

Objectives:

1. The school teacher will be able to teach a lesson which will describe how a divorce is obtained on the Navajo Reservation.
2. The student will be able to explain the requirements for obtaining a divorce, describe the steps, and apply the law to a factual situation.

Opening Question: HOW CAN YOU GET A DIVORCE ON THE NAVAJO RESERVATION?

Discussion: The Navajo Tribal Code lists the reasons or grounds for being granted a divorce in the Tribal Court. The grounds most commonly used are inability to live together in agreement and harmony (incompatibility), and voluntary separation of the husband and wife for a period of one year or more.

The Navajo Tribal Court has jurisdiction to dissolve marriages whether the marriage license was obtained from the Navajo Tribe or from the state. The person filing for the divorce must have had residency on the reservation for at least ninety days, and the defendant must be Indian.

If the requirements are met, a legal and valid marriage can be ended by the Tribal Court in a proceeding for dissolution of a marriage or divorce. If the divorce is properly obtained, then

all courts in the United States will recognize the divorce decree of the court under the Full Faith and Credit Clause of the Constitution of the United States.

Methods: 1. Follow up with the "couples" who were married in the lesson on marriage. Have each "couple" create a factual situation which would justify one of the parties seeking an end to the marriage. Decide whether Tribal Court would have jurisdiction.

2. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials

Observations: Many students in your classroom may have first hand experience with divorce on the Reservation. The teacher is encouraged to be sensitive to invading privacy, yet still allow the student to participate in the class and discussion. Divorce is an unpleasant reality for the partners and the children, and matters pertaining to custody of minor children, support obligations, and division of property can be extremely difficult to settle amicably.

Activities: 1. Role play discussions between the "married" couples on the possibility of divorce.

2. Invite a guest speaker, advocate, attorney, social worker, minister or preacher to

discuss with the class divorce as a legal remedy and solution to family problems.

Title: Child Custody and Property Division After Divorce

Objectives:

1. The school teacher will be able to teach a lesson which will describe how child custody and division of property are determined by the court in an action for divorce.
2. The student will be able to examine the law of custody, and restate the law of division of porperty after a divorce on the Navajo Reservation.

Opening Question: AFTER A DIVORCE, WHO SHOULD GET THE KIDS AND WHO GETS CAR, THE HOUSE AND THE VCR?

Discussion: Questions involving custody and separation of property after divorce are usually answered in Tribal Court along the lines of traditional law applied in the state courts. Separate property either spouse had before the marriage, which has reatained its separate identity, will be the sole property of that spouse after the divorce. Any property either spouse received through inheritance will also remain separate property.

Community property is all the property acquired by the husband and wife during the time of the marriage.

If there are no children, property division is less complicated and usually will involve a one half share of the community property going to each spouse, with each spouse keeping what has

been deemed separate property.

As a rule, minor children are given to the custody of the wife unless she is found to be unable or unwilling to care for them. This may be due to alcohol or drug dependence or mental illness.

As a rule, the partner who is awarded custody of the children will receive more than a one half share of the community property since the court recognizes that the custodial parent will have many more obligations to the minor children.

As in state court, financial support obligations from the non-custodial parent to the custodial parent are difficult to enforce unless the person responsible for the support payments in regularly employed.

Methods: 1. Follow up with the "couples" who have been "divorced" and work out an agreement in light of a set of hypothetical facts which determines custody and divides property.

2. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials

Observations: The teacher should be sensitive to the problems as a result of marriage breakup which students may have or may be experiencing. The law and the legal process are not the only

and frequently not the best solution to family discord. The best divorce, custody, and separation of property agreements are those negotiated and agreed to in good faith by parents acting in the best interest of children. Unfortunately, this describes parents who are not in the divorce process. Hence, the law which does what it can to regulate conduct through the breakup of a family.

Activities:
1. Role play discussions between partners on the issues of custody and property division.
2. Guest speaker
3. List consequences to the children of a family in the divorce process.

Title: Indian Child Welfare Act 1978

Objectives:

1. The school teacher will be able to teach a lesson that will explain the impact of the Indian Child Welfare Act (ICWA) on Indian children, adoptive parents, and Tribal Courts.
2. The student will be able to apply the law of the Indian Child Welfare Act to a factual situation and describe the possible outcomes in a legal dispute involving custody of an Indian child.

Opening Question: SHOULD TRIBAL COURT OR STATE COURT DECIDE WHETHER THE NAVAJO NATURAL MOTHER OR THE NON-INDIAN ADOPTIVE PARENTS HAVE CUSTODY OF AN INDIAN CHILD.

Discussion: In 1978, the United States Congress, after hearing lengthy testimony from Indian tribes about the high percentage of Indian children being placed into non-Indian homes, passed the Indian Child Welfare Act. The ICWA recognized that there was and is no more valuable resource to a tribe and its existence than its children and that the United States had an interest in protecting Indian children who are members of a tribe.

The law requires that any state agency, adoption agency, or any other entity arranging placement of an Indian child to notify

the child's tribe of any foster care or termination of parental rights. Under the law, no placement or foster care of an Indian child is valid unless the consent is in writing and recorded before a judge of the tribal court.

The ICWA gives jurisdiction over disputed cases involving Indian children to tribal courts.

Methods: 1. This is an ideal topic for students to research in national news magazines and local (NM) newspapers.

2. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials and clippings.

Observations: The local and nationally reported custody dispute involving Michael Halloway Carter, decided in Navajo Tribal Court in Window Rock, AZ, on October 29, 1987, makes for an ideal role playing and/or mock trial situation. The interests of the Navajo Nation, the natural mother, the adoptive parents, and the ten year old child can be played out realistically or modified as required.

Activities: 1. Compare and contrast the advantages and disadvantages of a traditional Indian home on the Reservation with a typical Anglo home in an urban setting.

2. Evaluate the weight to be given by a court to the expressed wishes of a ten year old as to where he/she wishes to live.
3. Guest speaker, judge, advocate, social worker.

Title: Child Abuse, Child Neglect, Child Abandonment...
And Termination of Parental Rights

Objectives:

1. The school teacher will be able to teach a series of lessons which will define and describe child abuse, child neglect and child abandonment and balance the right given to parents to raise their children with the interest of the state in protecting the best interests of children.
2. The student will be able to discuss and identify instances of child abuse, child neglect, and child abandonment and will be able to evaluate factors in comparing the interest of the family with the interest of the state.

Opening Question: CAN PARENTS TREAT THEIR CHILDREN ANY WAY THEY WANT TO OR IS THERE A STANDARD?

Discussion: Child abuse includes the infliction of serious physical injury upon a child by a parent or custodian. Child abuse also includes conditions when a parent creates the risk of serious physical injury or inflicts psychological abuse. Child abuse also includes a parent's sexual intercourse or sexual molestation of a child.

Child neglect generally covers situations where the parents do not do something that should be done, and thereby place the health and safety of their children at risk. Child neglect

always includes the failure of parents to furnish their children with adequate food, clothing, shelter, and medical care.
Failure to send children to school is considered child neglect.
Child abandonment occurs when children are left unattended for longer periods of time and no provision is made for their care.
Child abuse, child neglect, and child abandonment deny the child the right to raised by parents free from harm.
The family unit also has substantial rights to raise and regulate conduct within the family free from unwarranted interference. The parent-child relationship is held in great esteem and a presumption of propriety attaches.
But, increasing awareness of the magnitude of the problem of chid abuse suggests that too many children are at risk and that not enough has been done. The family is not immune from scrutiny when children's rights are denied.
Doctors, nurses, school teachers, social workers, school counselors, and school administrators are required to report suspected cases of child abuse. Failure to report is a misdemeanor.
If sufficient evidence of the abuse, neglect or abondonment is found in a hearing, then the parental rights may be terminated and the child placed in foster care or put up for adoption.

Methods: 1. Classroom lecture, discussion, role playing.
2. Research in national and local media.

Materials: 1. CIT-LRE materials.

Observations: The definitions of child abuse, child neglect, and child abandonment are not difficult to list. But it must also be understood that the law tries to keep children with their natural parents unless there are compelling circumstances to have the child taken and raised elsewhere. The teacher is encouraged to be open to diversity in parenting practices and careful not to come between children and parents. On the other hand, children must be aware that there is help for them if they are the victims of crimes against them.

Activities:

1. Guest speaker from local family or social service agency.
2. Have students write a description of each type of abuse: physical, psychological, and sexual.
3. Have students research what resources are avaiable to help abused children in and around the community.

Title: Search and Seizure in the Classroom

Objectives:

1. The school teacher will be able to teach a lesson which will develop the law of search and seizure in schools.
2. The student will know the law of search and seizure in schools and will be able to compare the need for student privacy with the needs of schools to maintain an educational environment.

Opening Question: WHEN CAN THE VICE-PRINCIPAL SEARCH ME OR MY PURSE AT SCHOOL?

Discussion: The Fourth Amendment guarantees citizens the right to be free from unreasonable searches and seizures conducted by law enforcement officers. The Fourth Amendment also protects students.

Schools, in the mission to educate students, have a duty to maintain the discipline, order and protection of all students. The law with respect to locker searches has been established to be that such locker searches are not a vilolation of student's rights to privacy. Courts have ruled that the locker belongs to the school and not to the student, and that students have no expectation of privacy in their school locker.

The question of clothing and purse searches by school officials was recently decided by the U.S. Supreme Court (CIT Handout).

The court was asked to rule on a search of a student's purse which turned up evidence of drug possession.

The court enacted a rule which rules out random searches of student personal effects, but which permits such searches by school authorities when reasonable cause exists to initiate such a search. Reasonable cause is more than just suspicion. There must be facts and circumstances which give rise to the suspicion before a legal search can be begun.

Many schools have brought in trained drug sniffing dogs which are brought through the locker areas and the student parking lot. These dogs have been held not to violate student rights since the odors are "public" and not private in the sense of the Fourth Amendment.

At this point, the dogs are not sniffing students themselves and at least one court has ruled that this would be too intrusive a search which would violate a student's expectation of privacy.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: Students always want specific answers to questions as to whether the coach, the teacher, or the vice-principal can search this or that or the other whatever. The law governing the area is usually weighing the needs of schools to keep a drug-free learning environment with the legitimate needs of students to privacy. The teacher is

encouraged to stress the whole picture and to urge students to value privacy and a drug-free school setting.

Schools have an obligation to respect and preserve student rights to privacy and at the same time to educate students. The rules which have been developed attempt to strike that balance of needs.

Students will enjoy a classroom exercise which would require them to list the kinds of things which give rise to the reasonable suspicion which permits a valid search. What effect should hair length, an earing, bloodshot eyes, slurred speech, peer group, absenteeism, and other symptoms have on the decision to search?

Activities:

1. Invite the administrator in charge of discipline to speak with the class on local school policy and student searches.
2. Invite an investigator from the local police or District Attorney's office to speak about drugs in schools and what the law can and should do.
3. Role play a purse search between a school administrator and a student.
4. Conduct a mock hearing to discipline a student for possession of drugs.

Title: The Pledge of Allegiance in the Public School

Objectives:

1. The school teacher will be able to teach a lesson which will explain the history of the Pledge cases in light of First Amendment protections regarding religion and speech.
2. The student will be able to identify the law and evaluate the legal arguments regarding school students saying the Pledge of Allegiance in public schools.

Opening Question: WHY DO I HAVE TO SAY THE PLEDGE OF ALLEGIANCE IN SCHOOL?

Discussion: In 1954, the U.S. Congress mandated that the Pledge of Allegiance read, "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

In 1986, the New Mexico State Legislature required as part of the School Reform Act that the pledge be recited by all students in all public school classrooms every day in New Mexico.

The United States Supreme Court decided the case involving the mandatory Pledge of Allegiance in 1942 when a religious group contested a state mandate which not only required that all children say the pledge, but that those who did not participate would be expelled from school.

The religious group argued that to pledge to the flag violated their rights to worship and acknowledge God as the Supreme Being, and that they could not recognize the flag as something to salute.

The court ruled that to require participation in saying the pledge, that the state had violated the right of the individual to free expression under the First Amendment to the U.S. Constitution. The case was not decided on religious grounds, but on the right of an individual to remain silent and not be compelled to utter what is not in his mind.

Although reciting the pledge is an affirmation of one's love for and respect for the United States, and although the state can require study and teaching of the history and nature of our government and of our civil liberties, the state cannot compel a public recitation of the Pledge.

Therefore, the New Mexico Legislature has provided for and specificallly permits those students who do not agree to not say the the Pledge each day with the class. School authorities are to make provision for the student who refuses and can take no action to require or force participation.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, handouts.

Observations: Since the Pledge requirement is so recent in New Mexico schools, students will not take for granted this new

ritual to begin the day and may be curious about its history. The teacher is encouraged to pick apart the Pledge, word by word, to discover language or ideas which students might find offensive. The "under God" language was specifically added in 1954, and although religion seems to be intrinsic, the court decided the case on other grounds leaving intact language which to some may arouse disagreement.

The law is clear, and students should be encouraged to balance the value of patriotism with the right to free expression. Are students satisfied with the compromise? Should students be censured or expelled for not reciting the pledge? This is a good case to work up as a mock trial with a hearing before the school board to expell a student for non-compliance.

Activities:

1. Write the New Mexico Attorney General for a copy of the new law.
2. Have class survey your school's teachers on the mechanics of the Pledge in the morning classes.
3. Poll students to see if any are refusing and chart the reasons given.
4. Role play a hearing to discipline a student for refusing.

Title: First Amendment Speech and Censorship in School

Objectives:

1. The school teacher will be able to teach a lesson on the First Amendment freedom of speech and expression as applied in the public school setting.
2. The student will be able to discuss when and under what circumstances a school official can legally limit a student's right to freedom of expression.

Opening Question: WHEN CAN A SCHOOL ADMINISTRATOR OR TEACHER RESTRICT MY FREEDOM OF SPEECH?

Discussion: The First Amendment to the United States Constitution guarantees freedom of speech. This right is extended to all persons, including students. However, the courts have interpreted that this right can be limited by school officials if there is a good reason for doing so.
Students do not surrender their Constitutional rights when they enter school property. But because of the need to maintain a learning environment, and because most students are not adults, and because students are on property owned by the state, students in school are subject to more restriction on freedom of speech than would apply, for example, on the street corner.
The United States Supreme Court, in a case called Tinker vs. Des Moines School District, had to decide whether symbolic speech by

students was protected by the First Amendment. In this case, three high school students wore black arm bands to school to protest the U.S. presence in Vietnam. At the time, the war in Southeast Asia was controversial, and the three students were suspended from school.

The court held that:

1. The students did have the right to freedom of expression under the First Amendment.

2. That even though there was no speech involved, the symbolic speech of wearing the black armband was a form of expression protected by the First Amendment.

3. The school officials could not show that a good enough reason existed to stop the students or suspend them.

This case might have gone the other way if the school officials could have shown that the black armbands created unrest at the school which interfered with the educational atmosphere at the school. But no disturbance which interfered with the rights of others occurred. At all times, the symbolic protest was peaceful and did not upset the orderly operation of the school. The court's ruling can be seen to be in support of the need for openness in schools so that all ideas and points of view can be shared, even the ones that may not be popular with the majority view.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, handouts.

Observations: Freedom of speech, which includes freedom of expression, is a right guaranteed to all persons including school students. But the student's right to freedom of speech and expression is not absolute. The student's right must be balanced against the need of the school officials to conduct school in an orderly manner. This issue of student rights to freedom of speech and expression comes up frequently in the school newspaper class and in the kinds of speakers permitted to appear at school assemblies. The teacher is encouraged to be sensitive to the needs of students for self-expression on a variety of issues, but also to make students aware of the need to maintain an orderly learning environment.

Activities:

1. Have students examine the school discipline policy for regulations on student speech, student assembly, and student protest.
2. Have students write proposed school policy regulating student expression which reflects a balanced view in light of the Tinker case.
3. Invite the school newspaper sponsor, the student editor, and the principal to be a guest forum to discuss First Amendment issues with the class.
4. Role play a free expression hypothetical in a classroom discussio.

Title: Suspension, Expulsion, and School Due Process

Objectives:

1. The school teacher will be able to teach a lesson on the procedures a school must follow to suspend or expel a student.
2. The student will be able to explain the law of school due process with respect to suspension and expulsion and apply it to a factual situation.

Opening Question: CAN THE SCHOOL SEND ME HOME WITHOUT GIVING ME A CHANCE TO EXPLAIN?

Discussion: Suspension is a temporary expulsion from school. Expulsion is the permanent exclusion from school. Schools do resort to these remedies for a variety of infractions of school rules.

Whether public schools can suspend or expel students with no hearing, no right to be heard, and no due process was the question the United States Supreme Court considered in the case of Goss v. Lopez in 1975. In that case, there were violent protests at the public school, the police were called, and large numbers of students were rounded up and taken to police headquarters. The school decided to suspend the students for ten days. Several students decided to contest the suspension because they had not been given a hearing and an opportunity to explain or deny the reasons for the suspension.

The students argued that the state law required a hearing in cases of expulsion and that the hearing officer's decision could be appealed to the school board which could overturn the principal's decision. If this due process right was guaranteed to students by law in cases of expulsion, then the same should apply in cases of suspension.

The Supreme Court agreed. A record of suspension and expulsion was kept on each student and would be available to future employers and colleges. Therefore, the suspension could be deemed a punishment which could affect future opportunities for the affected students.

The Supreme Court ruled that once the state provides for a public education, then that right to an education cannot be denied temporairly or permanently without due process to the student.

Due process means essentially that the student have the rights:

1. Be told what the alleged misconduct is,
2. To explain his version of the episode,
3. To not be suspended or expelled until the informal hearing is held and a determination is made.

The court went on to say that a hearing is not required with a student whose presence constitutes an immediate threat to the academic prosess, nor must the hearing constitute a full, formal, judicial-like trial.

Essentially, students have the rights to hear the charges and be heard in response to them before the school can suspend or expel

students from school.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, handout.

Observations: The school is the ideal place to teach the fundamental rights, duties and freedoms which we want to preserve. The Goss case is interesting because it was decided by a slim majority of the court. Four of the justices would have denied the informal due process right to a hearing to a student facing suspension and would have granted broader discretion to school administrators in dealing with students.

Activities:

1. Have students write a school policy which conforms with the requirements of the Goss case on student due process.
2. Role play a mock suspension hearing involving a school administrator, a coach, and five students charged with violating curfew on an athletic trip.
3. Ask school officials for statistics regarding suspensions and expulsions and chart according to age, reason, and grade point average.

Title: Family Educational Right and Privacy Act

Objectives:

1. The school teacher will be able to teach a lesson which will explain the rights of students under the Family Educational Right and Privacy Act (FERPA).
2. The student will be able to explain and use the rights established by the FERPA.

Opening Question: WHO HAS THE RIGHT TO INSPECT MY SCHOOL RECORDS?

Discussion: The Family Educational Right and Privacy Act was passed in 1974 and is designed to protect the privacy of a student's educational records. The law applies to all schools which receive funds from the U.S. Department of Education.
The rights to privacy which the law establishes are given to parents regarding their children's records. These rights transfer to the student or former student who has reached the age of eighteen of is attending any school beyond the high school level. Students to whom the rights have transferred are referred to as eligible students.
The law provides that parents and eligible students have the right to inspect and review all of the student's education records maintained by the school.
The law also provides that parents and eligible students have

the right to request that a school correct records believed to be inaccurate or misleading. If the school disagrees, a hearing must be held, and the parent or eligible student has the right to place a statement in the file concerning the contested information.

As a general rule, the school must have written permission from the parent or eligible student before releasing any information from a student's record. Exceptions to this rule which allow a school to release records are:

1. To school employees with a need-to-know,
2. To other schools to which a student is transferring,
3. To parents when a student is over 18 but still dependent,
4. In connection with financial aid for a student,
5. In health and safety emergencies,
6. To those with court orders or subpoenas,
7. Organizations during studies for the school.

Schools may also release directory information including name, address, phone number, date of birth, honors and awards, and dates of attendance. Parents must be notified of the school intent to release this type of information and provide parents with an opportunity to deny the release.

Schools must notify parents and have a written policy about complying with the FERPA.

Method: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, FERPA handout.

Observations: This is a topical and relevant area to high school students. As students begin to make plans for their post secondary future, many are curious as to what kind of a "paper trail" they might be leaving and who can examine their school records. The law is clear on parental and eligible student's rights to inspect. However, the exceptions are numerous and broad. As a classroom activity, students might weigh the right to privacy established by the law against the validity of the several exceptions.

Activities:

1. Ask the school guidance counselor to distribute the school's written policy and discuss it with students.
2. Ask the school principal to discuss requests for directory information and how he/she handles such requests.
3. Role play a request for school records by a company called "Varsity Athletes of the Reservation."

Title: Administration of Justice

Objectives:

1. The school teacher will be able to teach a lesson which will illustrate the administration of justice.
2. The student will be able to explain the function of each of the three parts of the criminal justice system: law enforcement, adjudication, and corrections.

Opening Question: HOW DOES THE CRIMINAL JUSTICE SYSTEM WORK?

Discussion: The Federal government, the states, and the tribes have created a criminal justice system which works to investigate crimes, and arrest, prosecute, convict, and punish those who are suspected of committing crime.

The first branch of the criminal justice system is law enforcement. Law enforcement in Indian Country is shared by the local county sheriff, the state police, tribal police, the Federal Bureau of Investigation, and the Bureau opf Indian Affairs investigators. Law enforcement investigates alleged criminal behavior and takes written reports from the less serious (wood hauling from private land) to the most serious (kidnapping and murder).

The second branch of the criminal justice system is adjudication which is centered around the courts and lawyers. The Prosecutor or the District Attorney represents the government, either the Federal, the state or the tribe. The prosecutor's job is to

gather the evidence and present it in court and to show beyond a reaosnable doubt that the defendant is guilty. The defense lawyer's job is to represent his client and to put forth every possible legal defense which the accused might have. The defense lawyer's major responsibility is to make sure that his client is not convicted unless proven so beyond a reasonable doubt. The judge is the umpire who presides over the trial and who makes all decisions about the law of the case before the court. If there is no jury, the judge also decides the question of guilt. The jury is made up of people who hear the evidence and decide whether the burder of proof of beyond a reasonable doubt has been met.

The third branch of the criminal justice system is corrections. This brance has the responsibility to see that the punishment and penalty of the court is carried out. Corrections is most visibly responsible for imprisonment which means that the convicted person loses his freedom to be in society and must spend a certain period of time in prison.

Corrections may also be responsible for probation, which means that the defendant is not sent to prison but is allowed to live in society and go to work under the supervision of a probation officer.

Corrections is also responsible for parole which the the status of a prisoner who is released early from prison and who must report regularly to a parole officer.

Working together, the three branches of the criminal justice system strive to make it efficient and fair to all accused. The

numbers of the accused, and the lack of people and fiscal resources strain the criminal justice system which poses additional problems for society.

Methods: 1. Classroom lecture, discussion, role playing.
Materials: 1. CIT-LRE materials.

Observations: This is a huge topic, which can be broken down into a series of lessons on the different branches of the criminal justice system. CIT-LRE has good audio-visual materials to use with these lessons. Although not perfect, our criminal justice system is still the best, and the teacher is encouraged to compare with students our system with that of other countries.

Activities:
1. Invite guest speakers...there are many law enforcement agencies who have officers ready to go into the classroom. Invite the local tribal judge, or magistrate judge. Ask someone from the District Attorney's office. Encourage the juvenile probation officer to make a classroom visit.
2. Research a recent well publicized local crime and chart it from the commission of the crime through investigation, arrest, prosecution, verdict, and sentencing.

Title: Felonies, Misdemeanors and Violations

Objectives:

1. The school teacher will be able to teach a lesson which will classify criminal conduct into felonies, misdemeanors, and violations.
2. The student will be able to distinguish and classify behavior into felony, misdemeanor, and violation.

Opening Question: WHAT IS THE DIFFERENCE AMONG THE CRIMINAL CATEGORIES: FELONY, MISDEMEANOR, AND VIOLATION?

Discussion: The difinitions of criminal law are specifically laid out in the lawbooks of each jurisdiction. In Indian Country, there are Federal criminal laws, State criminal laws, and Tribal criminal laws. Each jurisdiction has described and defined behavior as criminal.

One way to classify crime is by how serious it is. The most serious crimes are called felonies. These would include murder and robbery. Less serious crimes are called misdemeanors and these may include assault, battery, minor thefts and driving while intoxicated. Another group of offenses which are considered the least serious are called violations or petty misdemeanors. This latter category would include violations of city and county ordinances and violation of the motor vehicle laws.

Another way to classify criminal behavior is according to the interest being protected. Therefore, crimes such as murder, rape, robbery, and assault are crimes against the person. Crimes against property include larceny, embezzlement, and criminal damage to property and vandalism.
Another way to classify crime is by reference to the penalty imposed for the behavior. Violations including petty misdemeanors usually call for a fine of no more than one hundred dollars. Conviction of a misdemeanor usually can mean up to one year in jail and a fine of not more than one thousand dollars. A felony conviction usually calls for more than one year in prison up to life and fines of more than one thousand dollars.

Methods: 1. Classroom lecture, discussion, role playing.
Materials: 1. CIT-LRE materials.

Observations: This lesson is important because it introduces the student to the stratification of behavior which society through its laws has deemed to be criminal. The teacher is encouraged to examine several different definitions of crime from the CIT handout with a view toward the category and the penalty which is called for. This is an interesting lesson to use to stimulate students to evaluate criminal behavior as to how severe the law considers it in relation to other behaviors. The example which is most striking is the treatment accorded violators of the New Mexico Game and Fish laws with the usual penalty given to the first or second time DWI offender.

Activities:

1. Scout through the newspaper and news-magazines for accounts of criminal behavior and analyze it in terms of seriousness, interest protected, and penalty.
2. Have students weigh and consider the conduct of a white collar criminal who embezzles one milion dollars from a bank with the stick up robber who steals one hundred dollars at gunpoint.
3. Have students weigh and consider the conduct of a man who knowingly keeps an atack dog which mauls to death a twelve year old boy selling subscriptions to the local newspaper.

Title: Defenses to Crimes

Objectives:

1. The school teacher will be able to teach a lesson which will explain the various defenses which can be raised by one charged with criminal behavior.
2. The student will be able to categorize and explain the criminal defenses such as: mistake, intoxication, insanity, and self-defense.

Opening Question: WHAT ARE THE DEFENSES TO A CHARGE OF CRIMINAL BEHAVIOR?

Discussion: People charged with crimes may be able to avoid being convicted by raising a defense which the law has traditionally allowed.

The first defense, mistake, occurs when there is a mistake of fact and the person is unaware that what he is doing is wrong. For example, taking a motorcycle which is not yours but which is identical to the one you own is not theft. By raising the defense of mistake and successfully proving that you had no intent to steal, you will avoid conviction.

The second defense, intoxication, is raised by those who are so drunk that they do not know what they are doing and therefore had no criminal intent to commit a crime. This defense is falling into less favor as courts and juries are unsympathetic to a person who tries to avoid responsibility for behavior by

pleading intoxication.

The third defense, insanity, is a plea which says that the person is so mentally ill or sick that he/she did not know what he/she was doing or could not know it was wrong. Insanity is infrequently raised, and not often successful. People who are found insane are not held responsible for their actions.

The fourth defense is self defense, defense of others, and defense of property. The law allows anyone to use reaosnable force in light of the threat to defend yourself from bodily harm, to defend others from bodily harm, and to defend your property from theft.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials.

Observations: The Street Law text has many interesting hypothetical examples of when the defenses may be raised and how to go about proving them. To many, the defenses mentioned above constitute "loopholes" which otherwise guilty people use to avoid criminal responsibility. The teacher is encouraged to stress that criminal defenses are difficult to prove, but if they exist, then the individual should not be held criminally responsible. In addition to the defense of intoxication, another defense which the public seems to disapprove is the defense of insanity. This was successfully raised and asserted by John Hinkley after his attempt on the life of President Reagan. On the other hand, more and more of the American public

are supporting the defense of self defense as a way to combat crime.

Activities:

1. Have students research the media for information on the insanity defense raised by John Hinkley, and what has happened to Mr. Hinkley since the trial.
2. Contact your local District or Prosecuting Attorney and ask for a guest speaker who would specifically address intoxication as a defense to crime.
3. Have students research the media for information on self-defense, especially the new Colorado "make my day" law of self-defense.

Title: Teenagers, Arrests and Searches

Objectives:

1. The school teacher will be able to teach a lesson which will explain to students the difference between a frisk and an arrest, the concept of probable cause, the requirement of a search warrant, and the exceptions to the warrant requirement.
2. The student will be able to distinguish between a stop and frisk situation and an actual arrest, to explain probable cause, and to describe the need for a search warrant and the exceptions to the rule.

Opening Question: ON WHAT BASIS CAN THE POLICE STOP ME, SEARCH ME, AND ARREST ME?

Discussion: An arrest is the actual taking of an accused into custody either with a warrant for the arrest or because the accused has committed a crime in the presence of the officer. An arrest is to be distinguished from a stop and frisk which is a temporary detention during which an officer temporairly stops and limits a person from moving on in order to ask questions or search for weapons.

The basis for an arrest is an arrest warrant obtained because probable cause exists or because the crime was committed in the presence of the officer.

The basis for a stop and frisk is a reasonable suspicion that the individual has or is about to commit a crime but full blown

probable cause does not yet exist.

Probable cause is a significant legal term which means that there must be sufficient facts and evidence to lead a reasonable person to believe that a crime was committed and that a particular person committed the crime.

The Fourth Amendment forbids searches and seizures unless there is that probable cause, and all other searches and seizures are unreasonable and unconstitutional unless covered by an exception.

The standard exceptions to the rule that the police must obtain a warrant are:

1. the individual consents to the search,
2. the person searched has been lawfully arrested,
3. the place searched is an automobile which may be removed,
4. the evidence is in plain view of the officer,
5. there is an emergency situation and the evidence may disappear unless immediately seized.

For example, in New Mexico it is a crime for a minor to be in possession of alcohol. If a police officer randomly stops a carload of teenagers and initiates a search and finds beer, the court will rule that the stop and the search was without probable cause and dismiss the case.

But, if the car was stopped for weaving over the center line, and the driver had the odor of alcohol on him, and failed the sobriety tests, and subsequent search revealed the beer, then the court will uphold the stop, the arrests, and the seizure because of the validity of the initial reason for the stop.

Methods: 1. Classroom lecture, discussion, role playing.

Materials 1. CIT-LRE materials.

Observations: Students enjoy telling "war stories" about being stopped by the police for one reason or another. Frequently, students are sure that their rights have been violated. Very often, the manner of driving does serve as a constitutional basis for the initial stop. Local police know that motor vehicle stops are usually fruitful on Friday and Saturday evenings. The rule which forbids the police to use evidence which has been seized illegally always provokes controversy. Does it make a difference if the defendant is nineteen and has one six pack of beer versus a drug runner who has one hundred pounds of heroin in the trunk of his car. Should the exclusionary rule apply to both?

Activities:
1. Compare the law of search and seizure on the street with the rules of search and seizure in the school. Which is more liberal? Why?
2. Role play a traffic stop which reveals minors in possession of alcohol.
3. Invite a traffic officer to be a guest speaker and ask for the drug smuggler profile.

Title: Tribal Criminal Jurisdiction Over Non-Indians

Objectives:

1. The school teacher will be able to teach a lesson which will explain to students the law which denies tribal court criminal jurisdiction over non-Indians.
2. The student will be able to identify the law and discuss the policy which holds that tribal courts do not have criminal jurisdiction over non-Indians.

Opening Question: UNDER WHAT CIRCUMSTANCES CAN A TRIBAL COURT EXERCISE CRIMINAL JURISDICTION OVER A NON-INDIAN?

Discussion: The law was well established in 1978 in the United States Supreme Court case, Oliphant v. Suquamish Indian Tribe, which held that tribes have no general criminal jurisdiction over non-Indians.

In the Oliphant case, several non-Indians were arrested for criminal disturbances that occurred on the Port Madison Reservation. Although the non-Indian defendants asserted that the tribal court did not have criminal jurisdiction over them, the tribal court assumed jurisdiction and found each of the defendants guilty. On appeal to the Supreme Court, the convictions were reversed and the high court found that the Tribal Courts did not have criminal jurisdiction over

non-Indians.

The opinion of the court stated tnat Indian tribal law was enforceable only against Indian defendants. Non-Indian defendants fell outside the jurisdiction of the tribal courts. Non-Indian defendants could be tried only by the state or the federal court, depending on the statute involved.

The court ruled that Congress could confer criminal jurisdiction over non-Indians to the tribal courts but had not done so. Therefore, in the absence of Congressional action, no such jurisdiction existed.

Methods: 1. Classroom lecture, discussion, role playing.

Materials: 1. CIT-LRE materials, Oliphant handout.

Observations: This is an especially sensitive issue in Indian Country. The tribal courts would like to assert jurisdiction over non-Indians in the same manner as Indians have to answer to tribal court for criminal violations. The teacher is encouraged to suggest that the time may come when Congress will empower tribal courts with criminal jurisdiction over non-Indians, especially as the tribal courts become more sophisticated in the disposition of criminal cases.

Recently, a leading Navajo Tribal Court Judge gave a speech in which he stressed the need and the ability of the tribal courts to responsibly exercise criminal jurisdiction over non-Indians. The law is absolutely clear, but there is the recognition that

there is a division of thought on the issue, and that Congress could change the law by legislation.

Activities:

1. Invite a tribal judge or tribal justice official to discuss the Oliphant case with the class.
2. Brief the Oliphant case and list the reasons for the court's holding.
3. Brief the Oliphant case and list the reasons suggested for allowing the tribal court to assert criminal jurisdiction over non-Indians.
4. Role play a mock hearing with a non-Indian defendant accused of DWI in tribal court.

BIBLIOGRAPHY OF CIT-LRE AUDIO-VISUAL MATERIALS

1. BROWN vs.BOARD OF EDUCATION, Guidance Associates, VHS.
2. CHILD ABUSE, Sunburst Communications, VHS.
3. CIVIL LAW: UNDERSTANDING YOUR RIGHTS, REMEDIES AND OBLIGATIONS, Human Relations Media, filmstrips.
4. CONSTITUTIONAL LAW IN ACTION, Random House, filmstrips.
5. CURRENT LEGAL ISSUES I, Random House, filmstrips.
6. CURRENT LEGAL ISSUES II, Random House, filmstrips.
7. DIVORCE, Media Home Entertainment, VHS.
8. GIDEON'S TRUMPET, WorldVision Home Video, VHS.
9. GIDEON vs. WAINWRIGHT, Guidance Associates, VHS.
10. INHERIT THE WIND, CBS Fox Video, VHS.
11. JUVENILE JUSTICE SYSTEM, Prentice-Hall Media, filmstrips.
12. LAW AND YOUTH, Encyclopedia Britannica, filmstrips.
13. PERSONAL LAW, Newsweek MultiMedia, filmstrips.
14. PERSUASIVE SPEAKING, Esquire Video, VHS.
15. PLESSEY vs. FERGUSUN, Guidance Associates, VHS.
16. SHA LAW LAW, JUSTICE, THE COURTS AND YOU, Constitutional Rights Foundation, filmstrips.
17. STREET LAW, Random House, filmstrips.
18. THE TEENAGER AND THE POLICE, Coronet Instructional Materials, filmstrips.
19. TWELVE ANGRY MEN, Key Video, VHS.
20. VIOLENCE IN AMERICA, Public Affairs Network, VHS.
21. WHY CAN'T I GO HOME NOW, Justice Publications, VHS.

BROWN VS. BOARD OF EDUCATION

This audio visual film was produced by Guidance Associates and is available from them at Box 3000, Mount Kisco, NY 10549.

This film is in VHS and runs approximately twenty five minutes. The presentation is interesting and heavy with content. It is a more effective presentation if the "Plessy vs. Ferguson" film is shown first to see the growth of judicial wisdom.

From "Plessy" all the way to the 1950's, the Supreme Court continued to uphold racial segregation under the principle of "seperate but equal." Beginning with "Brown", the court began to reassess whether or not equal protection under the law as guaranteed by the Fourteenth Amendment was in fact being carried out.

In "Brown", segregation was pronounced as demoralizing and injurious to the education of the black child. The Chief Justice, writing for a unanimous court, ruled that separate educational facilities are inherently unequal and ordered that states desegregate their schools "with all deliberate speed." The Brown case was an important beginning for the achievement of full civil rights for blacks, and for other minorities as well. There is an excellent teacher's guide with the script and discussion questions.

CHILD ABUSE: BREAKING THE CYCLE

This audio visual instructional package is produced by Sunburst Communications and is available from them at Dept. AW, 39 Washington Ave., Pleasantville, NY, 10570

The package consists of three color filmstrips with three tape cassettes reduced to a VHS tape for use in a video cassette recorder/player with a television. Each filmstrip runs approximately fifteen minutes. The narration is excellent for interest and content. The slides are excellent. The printed instructional material is excellent.

The package consists of three parts:

1. Stephanie's Story, an abusive mother.
2. David's Story, an abusive father.
3. Lynn's Story, and Parents Anonymous.

Use of these filmstrips at the secondary level is recommended. These filmstrips define child abuse and neglect and explain the cycle of abuse. The filmstrips illustrate the pain and confusion an abused child suffers and show how children are emotionallly unable to cope. The message is that child abuse should be investigated, and remedied. Child abuse is widespread, treatable, and avoidable. This is an important filmstrip and should be treated thoroughly.

CIVIL LAW

UNDERSTANDING YOUR RIGHTS, REMEDIES AND OBLIGATIONS

This audio visual instructional package is produced by Human Relations Media and is available from them at 175 Tompkins Ave. Pleasantville, NY 10570.

The package consists of three color filmstrips and three tape cassettes. The running time for each filmstrip is approximately twenty minutes. The narration, slides, and teacher's guide are excellent. The filmstrips are heavy with information.

The package consists of three parts:

1. The Legal System
2. Civil Law and Conduct
3. The Rights of Ownership

This instructional package is used most effectively with eleventh and twelfth graders. The teacher guide has fifty two pages of script, summary, review questions, additional suggested activities, and a reference bibliography.
A very good law related educational unit may be developed and taught around this package of filmstrips and a thorough reading of the teacher guide. This AV material has substance and style.

CONSTITUTIONAL LAW IN ACTION

This audio visual film was produced by the New York Times and is available from Random House, 400 Bennett Cerf Drive, Westminister, Maryland, 21157.

This kit consists of four color filmstrips with four tape cassettes. Each filmstrip runs approxiamtely ten minutes. The slides are average. The narration is excellent for interest and content. Accompanying this kit is thirty page teacher's guide which is excellent.

The package consists of four parts:

1. Search and Seizure
2. Right to Counsel
3. Due Process
4. State Action

This is an inquiry-oriented filmstrip program designed to involve the student in the actual decision making process involved in four Supreme Court decisions.
The facts of each case are dramatized, the relevant section of the Constitution is analyzed, and the student is invited to interpret the case before being advised how the case was actually decided by the court.
Excellent educational audio visual package.

CURRENT LEGAL ISSUES I

This audio visual film was produced by Random House School Division in association with the National Institute for Citizen Education in the Law and is available from Random House, 400 Bennett Cerf Drive, Westminister, Maryland, 21157.

This kit consists of four color filmstrips with four tape cassettes. Each filmstrip runs approximately ten minutes. This package is excellent in all respects.

The package consists of four parts:

1. A Woman on the Court: Sandra Day O'Connor
2. Drunk Driving: The Party's Over
3. Sex Discrimination: The Fight Goes On
4. Computers and the Law

For each filmstrip, the accompanying teacher's guide includes an introduction to the topic, key words and phrases, discussion questions, and further activities.

This is an excellent educational audio visual package.

CURRENT LEGAL ISSUES II

This audio visual film was produced by Random House School Division in association with the National Institute for Citizen Education in the Law and is available from Random House, 400 Bennett Cerf Drive, Westminister, Maryland, 21157.

This kit consists of four color filmstrips with four tape cassettes. Each filmstrip runs approximately ten minutes. This package is excellent in all respects.

The package consists of four parts:

1. American Prisons and Jails
2. The Insanity Defense
3. Victims of Crimes
4. Search and Seizure in Schools

For each filmstrip, the accompanying teacher's guide includes an introduction to the topic, key words and phrases, discussion questions, and futher activities.

This is an excellent educational audio visual package.

EVERYTHING YOU WANTED TO KNOW

ABOUT DIVORCE

This audio visual film is produced by Media Home Entertainment, Inc. and is available from the CIT-LRE library.

The film is in VHS and runs 47 minutes. This film might be used with mock trial students who are preparing a case in the area of family law. This is also a good film to use to portray effective direct examination of an expert witness.

Students will learn the answers to these questions:

1. Do I need a lawyer?
2. What will a lawyer charge?
3. Do people always tell the truth under oath?
4. Can my spouse lock me out?
5. What about credit card bills?
6. What are my personal property rights?
7. How will alimony payments be decided?
8. Can a man receive alimony?
9. Who will get custody of the house and the children?
10. What are the responsibilities after the divorce?

The attorney who answers the questions above does so in an informative and interesting manner. Students will be interested in the information.

GIDEON'S TRUMPET

This audio visual film is produced by WorldVision Home Video, Inc. and is readily available from the CIT-LRE library.

The film is in VHS and runs approximately 105 minutes. This film, starring Henry Fonda, is excellent in every respect and if properly introduced will capture the student's interest from beginning to end.

This film portrays the true story of one man's fight for justice, and how it changed the course of legal history in the United States.

The Sixth Amendment to the United States Constitution guarantees the right to legal counsel, but until the case of Gideon was decided, not all states furnished lawyers to people accused of felonies who were poor and unable to hire their own.

Clarence Gideon was convicted of a felony and successfully appealed his conviction to the United States Supreme Court which ruled that the Sixth Amendment did in fact require states to furnish legal counsel to indigent defendants.
For understanding the right to counsel, this film brings the lesson to life, and the film is highly recommended.

GIDEON VS. WAINWRIGHT

MIRANDA VS. ARIZONA

This audio visual film was produced by Guidance Associates and is available from them at Box 3000, Mount Kisco, NY 10549.

This film is in VHS and runs approximately forty five minutes. The presentation is extremely interesting and will catch and hold student interest. The issue of balancing the rights of the accused with the rights of society to be free of crime is a subject of controversy today.

The Fifth and Sixth Amendments guarantee that in all police arrests, that the accused has the right to remain silent and be provided with an attorney before and during questioning. The Gideon and Miranda cases were intended to aid suspects who may be poor, inexperienced or ignorant of the law. Many argue today that these rulings provide a protection to the professional criminal and that these criminals "get off" on technicalities.

Students who have watched suspects on television being "Mirandized" by the police at the time of arrest will take a keen interest in how this ritual came about and what the consequences of failure to read rights are to the prosecution. There is an excellent teacher's guide with the script and discussion questions.

INHERIT THE WIND

This audio visual film is produced by CBS Fox Video and is available from them at Industrial Park Drive, Farmington Hills, Michigan, 48024.

The film is in VHS and runs aproximately 130 minutes. This film is truly a classic in courtroom drama. It stars Spencer Tracy, Frederic March, and Gene Kelly. Although it may appear "dated", the film will catch and hold student interest if the issue is properly introduced.

The film opens with a high school teacher in the year 1925 violating the state law by teaching Darwin's theory of evolution in his biology classroom. He was arrested and charged with the violation.

The movie portrays the famous "Monkey Trial" pitting Spencer Tracy as the defense attorney against the prosecutor who faithfully stands behind the bible and its literal translations of creation.

The explosive battle between science and fundemental religion is closely examined in this movie which is regarded as a dramatic masterpiece.

Although the movie is of another era, the issue is alive and well and students can research the question in recent newsmagazines, newspapers, and books.

THE JUVENILE JUSTICE SYSTEM

This audio visual instructional package is produced by the Associated Press and Prentice-Hall Media and is available from the latter at 150 White Plains Road, Tarrytown, NY 10591.

The kit consists of two color filmstrips with two tape cassettes. Each filmstrip runs approximately thirteen minutes. The narration is excellent for interest and content. The slides are average. Accompanying this kit is a forty six page teacher's guide which is excellent and eight pages of duplicating masters which are very good.

The package consists of two parts:

1. Status Offenders/Violent Offenders Including a History of the Juvenile Justice System.
2. Weaknesses in the Juvenile Justice System and Alternatives to Incarceration for Juveniles.

Use of these filmstrips at the secondary level is recommended. The teacher can cite the startling statistics of the numbers of teenageers who will be caught up in the juvenile justice system.

An interesting contrast is presented between the serious attitude toward juvenile wrongdoing today and the supposed "boys will be boys" spirit demonstrated many years ago.

LAW AND YOUTH

This audio visual instructional package is produced by the Encyclopedia Britannica Educational Corporation and is available through Social Studies School Service, P.O. Box 802, Culver City, California, 90232.

The package consists of two color filmstrips with two tape cassettes. Each filmstrip runs approximately eighteen minutes. The narration is excellent for interest and content. The slides are excellent. The printed instructional material is excellent.

The package consists of two parts:

1. The Juvenile: Adult or Minor?
2. Juvenile Justice: Rights and Responsibilities

Use of these filmstrips at the secondary level is recommended. These filmstrips identify elements involved in defining the legal status of juveniles and impress upon juveniles the importance of becoming acquainted with their legal rights and responsibilities and their obligations to the society in which they live.

The printed discussion guide is excellent in informing the teacher about the background of the legal questions posed in the filmstrips.

PERSONAL LAW

This audio visual instructional package is a Newsweek Multi Media Kit and is available from Educational Audio Visual Inc., Pleasantville, NY, 10570.

The kit consists of four color filmstrips with four tape cassettes. Each filmstrip runs approximately fifteen minutes. The narration is average for interest and excellent for content. The slides are excellent. The accompanying duplicating masters are excellent and key very well to the visual presentation.

The package consists of four parts:

1. Contracts: Promises to Keep
2. Consumer Conflicts: How You Are Rated
3. Who's Liable: Landlord/Tenant
4. Family Law: Parental Liability Laws

Use of these filmstrips at the junior high and secondary level is recommended. With respect to the above topics, the classroom teacher has a ready made series of classes including the AV presentation, prepared classroom worksheets, and easy preparation of evaluation sheets for testing. These filmstrips are not in depth but do a fine job in introducing the legal topics treated.

PERSUASIVE SPEAKING

This audio visual film is produced by Esquire Video and is available from them at 2 Park Ave, New York, NY, 10157.

The film is in VHS and runs one hour. This presentation might be used with mock trial students who are interested in becoming polished and persuasive speakers. The film is entertaining, informative, and uses many examples.

Students will learn that no one is born as an effective communicator or public speaker. From this film, students will learn:

1. How to prepare presentations and speeches.
2. How to assess an audience and its expectations.
3. How to eliminate nervous speech habits.
4. How to overcome fear of speaking in public.
5. How to use eye contact, gestures and body language.
6. How to add humor and sparkle to speeeches.

Clips of speeches from John F. Kennedy, Martin Luther King, Jr., and Lee Iacocca are included.
This is a great film for confidence-building for students who want to do well in mock trial. It is also useful for anyone who wishes to be a more effective communicator.

PLESSEY VS. FERGUSON

This audio visual film was produced by Guidance Associates and is available from them at Box 3000, Mount Kisco, NY 10549.

This film is in VHS and runs approximately twenty four minutes. The presentation is interesting and heavy with content. Students should certainly be introduced to the concept of "separate but equal" before viewing.

During the period following the Civil War, the United States gave legal justification to racial segregation. Slavery had been abolished, but equal rights for blacks were not to become a reality. The United States Supreme Court in the Plessy decision made it clear that the states were going to be allowed to practice discrimination against blacks and other minority groups.
This decision acted to make legal the whole "Jim Crow" system of racial segregation which would last for the next 60 years.

Students should see and discuss this presentation prior to the Brown vs. Board of Education to examine how a court can change the law.
There is an excellent teacher's guide with the script and discussion questions.

SHA LAW LAW

JUSTICE, THE COURTS AND YOU

This audio visual instructional package is produced by the Constitutional Rights Foundation and is available from them at 1510 Cotner Ave., Los Angeles, CA 90025

The kit consists of one color filmstrip with one tape cassette. The running time is approximately 17 minutes. The narration is excellent for interest and content. The slides are cartoonish and amusing. The teacher's guide is excellent.

The filmstrip consists of three parts:

1. Mrs. Bumble, an injured plaintiff, discussing CIVIL LAW.
2. Officer Fields, a policeman, discussing CRIMINAL LAW.
3. Judge Windsor, discussing the JUVENILE JUSTICE SYSTEM.

Use of this filmstrip at the lower end of secondary level is encouraged. Ninth and tenth graders respond well to this film. Older students may not respond to the cartoon element. The filmstrip identifies different types of conflict and explains how conflicts are dealt with by the justice system. In addition to the traditional audio visual class, the teacher guide suggests several alternate learning activities using the filmstrip as the foundation.

STREET LAW:

A STUDENT'S GUIDE TO PRACTICAL LAW

This audio visual film was produced by the National Street Law Institute and is available from Random House, 400 Bennett Cerf Drive, Westminister, Maryland, 21157.

This kit consists of six color filmstrips with six tape cassettes. Each filmstrip runs approximately ten minutes. This package is excellent in all aspects and can constitute the foundation of a law related education unit.

The package consists of six parts:

1. Student Rights
2. Your Job and the Law
3. Family Law and Child Custody
4. Religion and Public Schools
5. Evidence: Legal Rights and Technicalities
6. Juvenile Justice

The enclosed teacher's guide introduces each of the topics and lists the key words and phrases in the lesson. Discussion questions and additional activities are also included for each lesson.

This is an excellent educational audio visual package.

THE TEENAGER AND THE POLICE

CONFLICT AND PARADOX

This audio visual instructional package is produced by Educational Film Associates and is available through Coronet Instructional Materials, 65 E. South Water St., Chicago, Illinois.

The package consists of four color filmstrips with four tape cassettes. Each filmstrip runs approximately twenty minutes, which is ideal for use in a single period class. The narration is average for interest and content. The music is above average and helps to retain student interest and attention. The slides are average.

The package consists of four parts:

1. The Confrontation
2. Myths and Realities
3. History: Two Faces of Law Enforcement
4. Law and Order: So Who Needs It?

Use of these filmstrips at the secondary level is recommended. The filmstrips will provoke discussion about how teenagers feel about the police. Ideally, having a police officer present in class for the filmstrip and discussion will help with establishing a positive image for the role of the police.

TWELVE ANGRY MEN

This audio visual film is produced by Key Video and is available from them at Industrial Park Drive, Farmington Hills, Michigan, 48024.

The film is in VHS and runs approximately 100 minutes. This film is truly a classic in the drama of jury deliberations. It stars Henry Fonda and although it may appear "dated", this film will catch and hold student interest if the issues are properly introduced.

The case involves a teenage boy who is accused of killing his father. If convicted, the teenager will face capital punishment for the crime. As the film opens, the jury has retired for deliberations and appears to be ready to vote to convict and send the accused to his death. But one man on the the twelve man jury disagrees with this rush to judgment and insists that the evidence be evaluated and discussed.
One by one, others agree that the burden of proof has not been met, and the value of the jury system is depicted as all that stood between the accused and his death sentence.
Even though the film is in black and white, students will identify with the accused, and remember how the evidence was insufficient for a conviction. The film is vivid, shocking, and entertaining.

VIOLENCE IN AMERICA

This audio visual film was originally telecast on the Cable Satellite Public Affairs Network and is available from the CIT-LRE library.

The film is in VHS and runs one hour. This presentation is not meant to be entertaining. It is informative and takes a most serious look at public policy issues about which reasonable people can disagree. The film is useful for developing role playing material on subjects which are interesting to students.

Questions discussed by the panel speakers are:

1. Is there a decline in major crime in the U.S.?
2. Should there be a national gun control law?
3. Should the FBI take a more active role in cases involving missing children?
4. Does violence on television affect violence in society?
5. Should there be a death penalty for crime?
6. Is there more violence in rural or urban areas?
7. What is being done to combat organized crime?
8. How can we handle the growing prison population?
9. Is plea bargaining a useful law enforcement tool?
10. Should teachers be able to exercise more discipline in the classroom?
11. What can be done about violence in schools?

WHY CAN'T I GO HOME NOW

This audio visual film was produced by the San Diego County Bar Association and is available from Justice Publications, 3067 5th Ave., San Diego, CA 92103.

This film is in VHS and runs about one hour. The presentation will appeal to students since it portrays the step by step consequences of a criminal act committed by a teenager who is not old enough to be prosecuted as an adult. This film will catch and hold student attention.

In a story format, each of the stages of the legal procedure is shown:

1. The arrest.
2. The holding room.
3. Booking procedure.
4. Individual detention facility.
5. The detention hearing.
6. The regular hearing.

This film is intended to inspire young people to consider the legal consequences of their conduct. Dorothy cannot go home because of the nature and consequences of her criminal act. The story was filmed in the existing San Diego County Juvenile Hall and is extremely realistic.

BIBLIOGRAPHY OF CIT-LRE LAW RELATED INSTRUCTIONAL MATERIALS AVAILABLE IN CLASSROOM SETS

The following classroom sets of instructional materials in law related education are available from CIT-LRE or may be purchased through CIT-LRE or directly from the vendor.

1. Churchill, Richard, YOU AND THE LAW, J. Weston Walch, 1976.
2. Constitutional Rights Foundation, THE CRIME QUESTION: RIGHTS AND RESPONSIBILITIES OF CITIZENS, 1984.
3. Constitutional Rights Foundation, TO PROMOTE THE GENERAL WELFARE: THE PURPOSE OF LAW, 1985.
4. Coughlin, George, YOUR INTRODUCTION TO LAW, Harper and Row, 1983.
5. Crowell, Caleb, YOU AND THE LAW, Educational Design, Inc. 1986.
6. Dolan, Edward F., PROTECT YOUR LEGAL RIGHTS, Julian Messner, 1983.
7. Goldberg, Robert, UNLOCKING THE CONSTITUTION.., Globe Book Co., 1985.
8. Lempel, Lynn, CRIME AND THE LAW, New Reader Press, 1982.
9. Naylor, David T., LAW, ORDER, AND JUSTICE, Hayden Book Company, Inc., 1979.
10. Phillips, Maxine, CRIME AND THE LAW, New Reader Press, 1985.
11. Silveira, Ted, YOUR RIGHTS AND THE LAW, Pacemaker, 1985.